

**B. BMS OJUS LLC**  
**(Applicant)**

**04-10-CZ2-2 (04-67)**  
**BCC/District 4**  
**Hearing Date: 2/24/05**

Property Owner (if different from applicant) Same.

Is there an option to purchase ☐ / lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☒

Disclosure of interest form attached? Yes ☒ No ☐

**Previous Zoning Hearings on the Property:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1966	Moirot	- Special exception expansion of trailer park. - Variance of wall height requirement.	CZAB-2	Approved w/conds.
1979	Roger Norot	- Special exception and unusual use to permit expansion of existing trailer park. - Non-use variance of lot size.	CZAB-2	Approved
1988	Roger L. Noirot	- Unusual use and special exception to expand existing trailer park. - Special exception and Non-use variance.	CZAB-2	Approved w/conds.

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO BOARD OF COUNTY COMMISSIONERS**

**APPLICANT:** BMS OJUS L.L.C.

**PH:** Z04-067 (04-10-CZ2-2)

**SECTION:** 03-52-42

**DATE:** February 24, 2005

**COMMISSION DISTRICT:** 4

**ITEM NO.:** B

**A. INTRODUCTION**

**o REQUESTS:**

The Ojus Homeowner's Association, Inc. is appealing the decision of Community Zoning Appeals Board #2 on BMS OJUS L.L.C. which approved the following:

(1) RU-3M & IU-1 to IU-1

REQUEST #1 ON PARCEL I (southern half)

(2) RU-3M to BU-2

REQUEST #2 ON PARCEL II (northern half)

**o SUMMARY OF REQUESTS:**

This application is appealing the approval of the request to change the zoning on parcel I of the subject property from RU-3M, Minimum Apartment House District & IU-1, Industrial, Light Manufacturing District, to IU-1, Industrial, Light Manufacturing District, and on Parcel II from RU-3M, Minimum Apartment House District, to BU-2, Special Business District.

**o LOCATION:**

The northwest corner of N.E. 195 Street and West Dixie Highway, Miami-Dade County, Florida.

**o SIZE: 2.57 Acres**

**o IMPACT:**

The rezoning of the property would allow the applicant to provide light industrial, business and office uses where otherwise not permitted. However, the rezoning will allow more intense uses than the current RU-3M zoning would allow.

**B. ZONING HEARINGS HISTORY:**

Resolution #3060, passed and adopted by the Board of County Commissioners on December 14, 1948, approved, among others, a zone change from RU-1 to RU-3B on a larger tract of land of which the subject property is a part and parcel. Resolution 3-ZAB-25-66 approved with conditions, a special exception to permit the expansion of an existing trailer park by the addition of four trailer spaces, and denied a variance of zoning

regulations to waive the required 25' buffer around the trailer park, on the West Dixie Highway side of the site. Resolution 4-ZAB-470-79 approved with conditions, a special exception and an unusual use to permit the expansion of an existing trailer park onto additional property to the west. Resolution 4-ZAB-35-88 approved with conditions, an unusual use and a special exception to permit the expansion of an existing trailer park with a 17-space recreational vehicle facility, a special exception and non-use variance to permit the expansion of an existing trailer park by the addition of one trailer space with less area than required, an unusual use and a special exception to permit the expansion of an existing trailer park by the addition of four temporary recreational vehicle storage spaces, and the modification of the plans approved pursuant to Resolutions 3-ZAB-25-66 and 4-ZAB-470-79 in order to submit revised plans, for a larger parcel of land of which the subject site is a part and parcel.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2005 and 2015 Land Use Plan designates the northern one-half of the subject property as being within the Urban Development Boundary for **business and office**.

This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and profession offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code.

2. The Adopted 2005 and 2015 Land Use Plan designates the southern one-half of the subject property as being within the Urban Development Boundary for **industrial and office**.

Industries, manufacturing operations, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. Limited commercial uses to serve the firms and workers in the industrial and office area are encouraged, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Free-standing retail and personal service uses and shopping centers that are approved in industrial and office areas should front on

major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources (Land Use Element, pg. I-33).

**3. Uses and Zoning Not Specifically Depicted.** Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." (Land Use Element, page I-36).

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-3M & IU-1; trailer park

Business and Office on the northern one-half and Industrial and Office on the southern one-half

Surrounding Property:

NORTH: RU-3M; trailer park

Residential, 5 to 13 dua

SOUTH: IU-1; warehouse building

Industrial and Office

EAST: B-2; City of Aventura office bldg.

Business and Office

WEST: RU-3M; trailer park

Residential, 5 to 13 dua

The subject parcel is located in the Ojus area of Miami-Dade County. Trailer parks, industrial uses, office buildings and single-family residences characterize the area where the subject property lies.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

Scale/Utilization of Site:

**Acceptable**

Location of Buildings:

**Acceptable**

Compatibility:

**Acceptable**

Landscape Treatment:

**Acceptable**

Open Space:

**Acceptable**

Buffering:

**Acceptable**

Access:	Acceptable
Parking Layout/Circulation:	Acceptable
Visibility/Visual Screening:	Acceptable
Energy Considerations:	N/A
Roof Installations	N/A
Service Areas:	Acceptable
Signage:	N/A
Urban Design:	Acceptable

**F. PERTINENT REQUIREMENTS/STANDARDS:**

The Board shall hear and grant or deny applications for **district boundary changes** taking into consideration that same must be consistent with the CDMP, with applicable area or neighborhood studies or plans, and would serve a public benefit. The Board shall take into consideration if the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities, including mass transit, roads, streets, and highways or other necessary public facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, street or highways.

**G. NEIGHBORHOOD SERVICES:**

DERM	No objection
Public Works	No objection
Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

**H. ANALYSIS:**

On October 5, 2004, Community Zoning Appeals Board – 2 (CZAB-2) approved this application by a vote of 5-2. On October 26, 2004, the Ojus Homeowners Association, Inc. appealed the CZAB-2's decision. The appellant objects to the rezoning to IU-1 on the southern half of the property without a height restriction limiting the development to three stories so as to be consistent with the Ojus Charrette. The appellant states that the CZAB's decision to approve the application was not in keeping with the Ojus Charrette. The appellant further states that the Master Plan for the Ojus Charrette provides that in the North District, where the applicant's property is located, there shall be no industrial uses, the buildings shall be used solely for business and office use, and the buildings shall be limited in height to a maximum of 3 stories. Section 33-58 of the Zoning Code states that "No building in IU-C, IU-1, IU-2 or IU-3 Districts shall be of a height greater

than the width of the widest street upon which such building abuts, except after application is made and permit issued as a result of public hearing". The subject property abuts West Dixie Highway which has a total right-of-way width of 66 feet abutting the property. The height of the building (not including the parapet) is 59'-9". The parapet height is 5'-0".

This application will allow the applicant to rezone the northern one-half of the subject property from RU-3M, Minimum Apartment House District, to BU-2, Special Business District, and the southern one-half from RU-3M, Minimum Apartment House District, to IU-1, Light Industrial Manufacturing District. The applicant is not requesting variances of the IU-1 or the BU-2 zoning district regulations, and as such, will meet all underlying district requirements. The applicant has submitted plans showing the development of the southern one-half of the site (the proposed IU-1 site) with a five-story self-service storage facility with a total floor area of 105,306 square feet.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. The **Public Works Department** has **no objections** to this application and indicates that this project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.

The subject site is approximately 2.57-acres in size and zoned RU-3M, Minimum Apartment House District, and IU-1, Light Industrial Manufacturing District. Staff notes that the Board of County Commissioners (BCC) approved a Small-Scale Comprehensive Development Master Plan (CDMP) amendment application to change the property's land use designation. CDMP Amendment application # 2 of the April 2003 cycle, approved on November 5, 2003, a redesignation of the northern one-half of the site from Low-Medium Density Residential to Business and Office use. The southern one-half of the site was redesignated from Low-Medium Density Residential to Industrial and Office use on the Land Use Plan (LUP) map. When the CDMP redesignation was approved the applicant proffered a Declaration of Restrictions restricting the uses on both the Business and Office site and the Industrial and Office designated site. The Declaration further stated that a zoning application would be filed on the southern half of the property to IU-1 to permit a self-service storage facility. The subject application is the one referenced to in the Declaration of Restrictions.

The zone changes to BU-2 on the northern one-half and IU-1 on the southern one-half of the property would be **consistent** with the Land Use Plan (LUP) map's designation on both parcels. Notwithstanding, the CDMP states that all existing zoning and uses are consistent with the Land Use Plan (LUP) map. A decision by this Board to retain the existing zoning on the property would also be consistent with the CDMP.

As previously mentioned, the applicant has submitted plans showing the development of the southern one-half of the site (the industrial and office designated portion proposed to be rezoned to IU-1) with a 5-story self-service storage facility. No plans were submitted for the development of the (business and office designated) northern half of the site proposed to be rezoned to BU-2. In staff's opinion, the proposed facility is compatible with the trend of development in the Aventura area of Miami-Dade County. To the east of the subject parcel, along the Biscayne Boulevard street corridor, there is an existing office building and parking garage reaching approximately 10 stories in height. Along Biscayne Boulevard, to the north and south of the subject property, lie business uses

and centers, such as the Aventura Mall, which have building scales that are similar to the proposed facility.

The Department's Community Planning Section has completed an Ojus Charrette Report for the area in which the subject property is located. The Ojus Charrette, at this point, is a vision and a guide for the future planning and development of the area. At the present time, the Ojus Charrette guidelines have not been codified and landowners and developers can build in accordance with the current land use and zoning regulations. Staff notes that although not required by the regulations, the applicant has attempted to conform to the general intent of the Ojus Charrette by moving the building closer to the street and as such, defining the roadway with the proposed architecture. The applicant will be relocating parking areas to the rear and adding aesthetic treatments to the facades to more closely conform to the urban design recommendations of the Ojus Charrette. Specifically, the submitted plans indicate an apartment dwelling unit on the ground floor of the proposed use fronting West Dixie Highway in order to avoid a "blank wall" condition at the ground level along said street. Those parking spaces indicated within the facility ground floor will be screened from NE 195 Street by a wall articulated with abundant fenestration and architectural details. The building facades exposed to West Dixie Highway and NE 195 Street will be treated with a number of architectural elements such as windows, openings, banding, expression lines, lighting fixtures and awnings to lessen the visual impact of the 5-story proposal on surrounding uses and streets, and to enhance the aesthetics of the facility. Other enhancements to the proposed building are accomplished by the use of different materials, colors and wall textures which are applied to the facades to, not only enhance the aesthetics of the proposal, but to lessen the appearance of "blank" walls. Although the Ojus Charrette recommends that retail and mixed-uses along main streets not exceed 3 stories, staff opines that the 5-story height proposed for this facility is not an extreme departure from the character of other buildings in the area considering that along Biscayne Boulevard there are a number of multi-story residential developments and retail/office uses and centers that are substantially higher than said proposal. In addition to the architectural elements that will be used to enhance the facility, the applicant proposes abundant landscaping in the form of palm trees, lot trees and shrubs to be installed along the building's perimeter in order to buffer the proposal from surrounding uses, to further enhance the site's aesthetics, to help define the street edge, and to increase the tree canopy that is lacking in this area of Miami-Dade County. The submitted plans indicate pedestrian connections fitted with brick pavers that interconnect the building with the adjoining street network. A street lighting plan has also been submitted indicating a number of lamppost fixtures along the site's perimeter that will illuminate West Dixie Highway and NE 195 Street at this intersection during the evenings. The street lamps are recommended by the charrette to enhance the safety and aesthetics of the Ojus neighborhood.

Further, the Ojus Charrette Master Plan proposes 2-story townhouses or garden apartments along the east side of NE 26 Avenue. This land use would reinforce NE 26 Avenue as a residential street, allowing the existing single-family residences on the west side of NE 26 Avenue to front their townhouse residential counterpart. This housing type, according to the charrette report, would permit a density that is more economically viable and respond to the charrette's vision of mixed-use for those properties along NE 26 Avenue. The applicant submitted line-of-sight documentation indicating that any future townhouse project on the adjoining RU-3M-zoned property to the west of the subject site will buffer the view of the proposed self-service storage facility from the

existing single-family residences to the west. Staff notes that the property to the west is zoned RU-3M and is designated for Low-Medium Density residential use. As such, any future development on that site would provide a transitional element between the single-family residential development to the west and the proposed self-service storage facility.

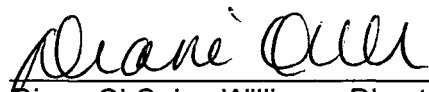
The applicant intends to proffer a covenant tying the requested IU-1 portion of the subject property to the site plan indicating the adoption of all of the aforementioned urban design considerations. In this regard, staff is of the opinion that the proposed self-service storage facility would be **compatible** with the future development of this area and addressing a number of the vision statements enumerated in the Ojus Charrette Master Plan. The Ojus Charrette Plan Report stated that one of the project goals and objectives was to facilitate development and investment in private land and to attract business, both retail, office and industrial uses that would provide accessible jobs to residents and commuters. Although the Report was prepared prior to the CDMP amendment to business and office and industrial and office, the requested zone changes would have a favorable impact on the economy of Miami-Dade County and in particular would benefit this area.

Staff is supportive of the requested zone changes. The proposed district boundary changes to BU-2 and IU-1 would be **consistent** with the LUP map designations of the CDMP will promote growth and development in this area, would not efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities, including mass transit, roads, streets, and highways or other necessary public facilities which have been constructed or planned and budgeted for construction in the area. Therefore, staff recommends denial of the appeal; approval of request # 1, subject to the Board's acceptance of the proffered covenant, and approval of request # 2.

I. **RECOMMENDATION:** Denial of the appeal; approval of request # 1, subject to the Board's acceptance of the proffered covenant, and approval of request # 2.

J. **CONDITIONS:** None.

DATE INSPECTED: 03/22/04  
DATE TYPED: 06/09/04  
DATE REVISED: 08/10/04, 11/14/04, 01/25/05  
DATE FINALIZED: 02/14/05  
DO'QW:AJT:MTF:LVT:JED

  
Diane O' Quinn Williams, Director  
Miami-Dade County Department of  
Planning and Zoning



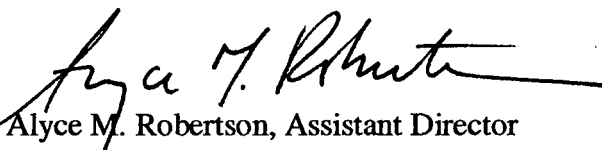
TO: Diane O' Quinn-Williams, Director  
Department of Planning and Zoning

DATE: April 6, 2004

**RECEIVED**  
APR 19 2004

MIAMI-DADE COUNTY  
DIRECTOR'S OFFICE  
DEPT. OF PLANNING & ZONING

SUBJECT: C-02 #Z2004000067  
Trinity Properties of Aventura, Inc.  
NW corner of NE 195<sup>th</sup> Street & West  
Dixie Highway  
DBC from RU-3M to IU-1 on Parcel I  
DBC from RU-3M to BU-2 on Parcel II  
(RU-3M) (1.24 Ac.)  
03-52-42

FROM:   
Alyce M. Robertson, Assistant Director  
Environmental Resources Management

DERM has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of the Miami-Dade County, Florida. Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Supply and Wastewater Disposal:

Public water and public sanitary sewers can be made available to this property. Therefore, DERM will require connection to the public water supply and public sanitary sewer systems.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management:

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year storm event with full on-site retention of the 25-year/3 day storm. Pollution Control devices shall be required at all drainage inlet structures.

A Standard General Environmental Resource Permit from DERM shall be required for the construction and operation of the required surface water management system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service standards for flood protection set forth in the Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Hazardous Materials:

Due to nature of uses allowed in the proposed zoning classifications, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning districts. The applicant is advised to contact the DERM Industrial Facilities Section concerning required management practices.

Fuel Storage Facilities:

Section 24-12.2 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The Storage Tank Section of DERM should be contacted for permitting requirements in this regard, if any fuel storage facility is requested.

Operating Permits:

Section 24-35.1 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant should be advised that due to the nature of some land uses permitted under the proposed zoning classifications, operating permits from DERM might be required. It is therefore suggested that the applicant contact DERM concerning operating requirements.

Pollution Remediation:

The referenced site is not currently or historically permitted with DERM and there are no records of current or historical contamination assessment/remediation issues on the property. A search within 500' of the property identified the following site with records of current or historical contamination assessment/remediation issues:

Walker Graphics  
19401 W Dixie Hwy.  
UT-2788

Petroleum contaminated site. Currently in a state administered cleanup program.

Be advised that solid waste sites were not identified within a ½ mile radius of the site.

Air Pollution:

This project involves the demolition of an existing mobile home park. The applicant is advised that the site must be inspected for asbestos and a notification for demolition must be filed with the DERM Air Facilities Section prior to start of demolition activities. Fugitive dust emissions should be minimized during all construction phases.

Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Tree Preservation:

Section 24-60 of the Code requires the preservation of tree resources. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. The applicant is advised to contact DERM staff for permitting procedures and requirements.

Enforcement History:

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation- P&Z  
Ron Connally, Zoning Hearings- P&Z  
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

REVISION 1  
PH# Z2004000067  
CZAB - C02

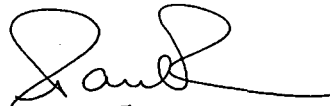
**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: TRINITY PROPERTIES OF AVENTURA

This Department has no objections to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.

A handwritten signature in black ink, appearing to read "Raul", with a stylized flourish extending to the right.

Raul A Pino, P.L.S.

08-JUL-04



C-02

**MIAMI-DADE FIRE RESCUE**  
**Planning & Capital Improvements Bureau**  
**ZONING COMMENTS**

Hearing Number: 204-067 Rev#1

Plans: ☒ Yes ☐ No Request: \_\_\_\_\_

Location: \_\_\_\_\_

Recommendation: Approved \_\_\_\_\_  
Approved with conditions \_\_\_\_\_\*  
Approved with no change from previous submittal ✓  
Denial \_\_\_\_\_  
Defer to DIC comments \_\_\_\_\_

\* \_\_\_\_\_

Estimated number of alarms generated annually by application: \_\_\_\_\_

If there is an impact, below is the service availability:

Station District \_\_\_\_\_ Grid \_\_\_\_\_ DU/SF \_\_\_\_\_ Occupancy Type \_\_\_\_\_

Impact of additional calls on closest station: ☐ No Impact  
☒ Minimal Impact  
☐ Moderate Impact  
☐ Severe Impact

Planned Service to Mitigate:

Service	Location	Year to be Completed
_____	_____	_____

☒ None

**THIS REVIEW IS FOR SERVICE IMPACT AND SERVICE AVAILABILITY ONLY AND DOES NOT CONSTITUTE NOR IMPLY SITE PLAN APPROVAL.**

**ALL SITE PLANS MUST BE REVIEWED AND APPROVED BY THE MIAMI-DADE FIRE RESCUE FIRE WATER & ENGINEERING BUREAU LOCATED AT 11805 SW 26 ST. BASED UPON THAT REVIEW, SITE PLANS MAY NEED MODIFICATION TO COMPLY WITH LIFE-SAFETY STANDARDS.**

Reviewed by: K. Lyon  
Kathryn Lyon

Phone: (786) 331-4546

Date: 5-14-04  
Revised 3/9/04 BJM

13

PETITION OF APPEAL FROM DECISION OF  
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD  
TO THE BOARD OF COUNTY COMMISSIONERS

RECEIVED  
04-067  
OCT 26 2004

Checked by C. Demp

Amount of Fee \$1452.20

Receipt # I200414081

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

C. Demp

Date Heard 10 / 5 / 04.

By CZAB # 02

\*\*\*\*\*

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

Re: Hearing No. 04-10-CZ2-2 (04-67)

Filed in the name of (Applicant): BMS -OJUS LLC

Name of Appellant, if other than application: OJUS HOMEOWNERS ASSOCIATION, INC.  
by Howard F. Scott, Esq., 10800 Biscayne Boulevard, Suite 610, Miami, Florida 33161.

ADDRESS/LOCATION OF APPELLANT'S PROPERTY: Properties lying between Ives Dairy Road on the North and Greynolds Park on the South; FEC Railroad track on the East and the Oleta River on the West.

APPLICATION, OR PART OF APPLICATION BEING APPEALED (EXPLANATION):  
Appealing rezoning of the southern one-half of the subject property from RU-3M to IU-1 instead of rezoning said parcel to BU-2 the same as the northern one-half of the subject property and rezoning the southern one-half of the subject property from RU-3M to IU-1 without a height restriction to three stores to be consistent with the Ojus Charrette.

APPELLANT (NAME): Ojus Homeowners Association, Inc. hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:

## HISTORY AND PERSPECTIVE

### THE FACTS:

The Master Plan of the Ojus Charrette provides for the North District, where the Applicant's property is located, that there shall be :

1. **NO INDUSTRIAL LAND USE**
2. **BUSINESS AND OFFICE BUILDINGS**
3. **THREE STORY BUILDING HEIGHT**

On September 3, 2003 the Applicant presented a request to the Northeast Community Council #2 for an amendment to the CDMP to change the land use for the subject property to industrial to permit construction of a proposed "five story" warehouse (which, in fact, is actually to be 64 feet, 9 inches or 6 1/2 stories). This requested land use change was represented by the Applicant as being consistent with the Ojus Charrette. (See Exhibit VI)

On the facts, it is clearly not consistent with the Ojus Charrette.

Moreover, the Miami-Dade County Department of Planning and Zoning recommended to the Community Council that it deny the request for an industrial land use designation for the Applicant's property as incompatible with the Ojus Charrette. (See Exhibit I)

Notwithstanding the facts, the recommendation of the Department of Planning and Zoning, and the wishes of the public in attendance, the Community Council approved the Applicant's request.

And, notwithstanding the facts, the recommendation of the Department of Planning and Zoning, and the increasing vocal opposition of the Ojus community as it became more aware of the Applicant's plans, the PAB and then the Board of County Commissioners, with the Applicant continuing to represent the requested industrial land use was consistent with the Ojus Charrette, approved the Applicant's request. (The Applicant was supported at the November 5, 2003 County Commission by Commissioner Sally Heyman who mistakenly advised the Commission the Miami investor's request for an industrial land use designation for the Sun Haven Trailer Park property was consistent with the Master Plan of the Ojus Charrette report, stating

**"both on Page 38 and Page 40 of the Charrette, the proposed vision, it has light industry and it is part of the Master Plan proposal, the vision of the Ojus Charrette, it is central to this area, it is in the area of dialogue here today."**

and

**"the light industrial use that was proposed is consistent with the Charrette."**

**Page 38 and Page 40 of the Charrette cited by Commissioner Heyman to support her endorsement of the Miami investor's application and her motion to approve the Miami investor's requested industrial land use designation in the North District do not apply, however, to the North District.**

**Page 38 and Page 40 of the Charrette apply to and provide for light industry in the Central District.**

#### WHAT DOES THIS MEAN?

It means that the industrial land use obtained by the Applicant on the subject property never should have been granted. With that understanding, the Applicant's request for a zoning change to IU-1 on the subject property should be denied outright or granted only with conditions and restrictions on height and appearance as needed to make the proposed self-storage warehouse as consistent as possible with the Master Plan of the Ojus Charrette.

The Miami-Dade County Department of Planning & Zoning Recommendation to Community Council No. 2 on the Applicant's request for a zoning change to IU-1 on the southern half of the subject property noted that the Applicant "has attempted to conform to the general intent of the Ojus Charrette by moving the building forward, relocating party areas to the side and adding aesthetic treatments to the façades to more closely conform to the urban elements of the Ojus Charrette."

Since (i) the proposed industrial use, (ii) the proposed 6 ½ story height, and the proposed warehouse facility are all clear violations of the specific, stated intent of the Master Plan of the Ojus Charrette, it is disingenuous to suggest that relocating some parking and adding some aesthetic treatments to the warehouse structure's façade is an attempt to comply with the general intent of the Ojus Charrette Master Plan or should be given any value as such.

The Recommendation further states that the Applicant "has submitted line-of-sight documentation indicating that the town house project proposed for the adjoining RU-3M-zoned property to the west of the subject site will buffer the view of the proposed self-storage facility from the existing single-family residences to the west."

The Applicant has, however, not offered any covenant that it will build the proposed townhouses and there is, accordingly, no assurance they will ever be built. In fact, the Applicant itself has no plans to construct said townhouses and, since the market is questionable at best, if it exists at all for townhouses built in front of a 6 ½ story self-storage warehouse facility, operating from 6:00 A.M. to 10:00 P.M., 7 days a week, renting trucks, servicing commercial as well as residential customers, selling moving supplies, renting office space and a meeting center, it is unlikely townhouses will soon, if ever be built.

Furthermore, since "proposed" townhouses offer no buffer and since the Applicant has not committed to build the proposed townhouses, there is not now and will not be in the foreseeable future, any buffer between the residential homes on Enchanted Lake and self-storage proposed warehouse. Moreover, while the "proposed" townhouses if ever built might buffer the view of the warehouse for the residences on Enchanted Lake, they will only buffer a small portion of the view of the warehouse. The proposed 6 ½ story high warehouse would still tower over even a two story townhouse by 4 ½ stories. And, of course, there is nothing to buffer the view of this mammoth 6 ½ story football field sized warehouse from the rest of the Ojus Community. It's immense height and size will loom over the entire community and be visible from the entire Ojus Community, as well as Aventura, Skylake and Highland Oaks – as the Applicant intends.



In sum, these two notes by the Department of Planning and Zoning in support of the Applicant's rezoning request can at best be described as "damned by faint praise." Upon analysis they offer no substantive basis or support for granting the Applicant's request.

The Department noted in Paragraph F of its Recommendation to Community Council #2 that "the Board shall hear and grant or deny applications for **district boundary changes** taking into consideration that same must be consistent with the CDMP, with applicable area or neighborhood studies or plans, and would serve a public benefit. "

On July 21, 1998 the County Commission petitioned the County Manager to commence a study on the Ojus area. In January 1999, a steering committee was established by the Miami-Dade County Department of Planning and Zoning to begin the study. After almost two years, and thousands of man hours of study and work, the Ojus Charrette Report setting forth a "Master Plan" for development of the Ojus area was finally completed on May 18, 2001. The Master Plan was a cooperative effort by professional architects, landscape architects, marketing and economic planners, designers and engineers with the added input of local historians. The Master Plan, as stated in the Charrette, was "the result of collaboration among many entities and individuals, including the Miami-Dade Board of County Commissioners; Northeast Community Council (2); Miami-Dade County Departments of Planning and Zoning, Parks and Recreation, Police, Team Metro, Miami Dade Public Schools, South Florida Regional Planning Council, area chambers of commerce, business and homeowners associations, Friends of the Oleta River, and most importantly, the people who live study, work and shop in Ojus". The final 88 page "Ojus Charrette Report" was prepared by The Miami-Dade County Department of Planning and Zoning, Marlin Engineers, Traffic Engineers, Albert R. Perez Associates, P.A. Landscape Architects and Planners, and Judson and Partners, Architects, Planners and Interior Designers.

The purpose of the Master Plan of the Ojus Charrette was to "guide development and redevelopment in a manner that protects and enhances the unique characteristics of Ojus", to "protect the environmental treasures of Ojus" (Enchanted Lake, Oleta River, Greynolds Park, etc.) and to "preserve the historic character" of the Ojus community. The attached **Exhibit II** sets forth quotes from the Ojus Charrette Report regarding its purpose and intent. Included in these and stated as among the highest priorities were: (**EXHIBIT II, Page 11**)

"Preserving the historic design characteristics and the eclectic nature of the small businesses along West Dixie Highway"; and

"Ensuring new development conforms to the historic character of the community."

The Charrette specifically provided for a **3 story limit** on development in the North and Central District: (**EXHIBIT II, Pages 2 & 3**)

"Buildings should be tall enough to create a sense of enclosure and urban character. Mixed-Use retail and office uses should be limited to 3 stories on Main Street, from Miami Gardens Drive to N.E. 192<sup>nd</sup> Street. Mixed-Use office with retail on the ground floor should allow 3 stories only."

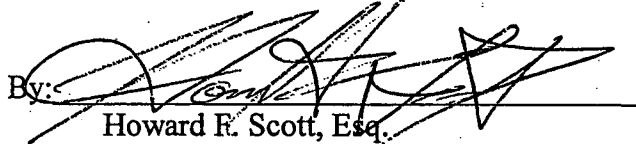
"The West Dixie retail corridor should be extended to connect the commercial center proposed for the area of what is now the mobile home park. The street profile should be similar to West Dixie or Main Street" (**EXHIBIT II, Page 23**)

On February 4, 2004 the Charrette and its recommendations were accepted by the County Commission with a directive to move toward amendments to the Miami-Dade Counting Zoning Code to implement its provisions.

On June 10, 2004 Community Council #2, noting that "the concepts of the Charrette were embraced by the community, and subsequently by the Northeast Community Council, Board of County Commissioners and the Planning Advisory Board "adopted a resolution directing that a report be prepared on those aspects of the Master Plan of the Ojus Charrette reasonable for implementation."

Given the history of the Ojus Charrette, from its inception through the work and effort of all the organizations, agencies, professionals and community members, to its ultimate acceptance by the Board of County Commissioners, it is clear the Ojus Charrette constitutes a "neighborhood study or plan" as contemplated by the Department's recommendations. Accordingly, Community Council #2, acting both as the Zoning Appeals Board and as the representatives of the people should have rejected the Applicant's rezoning request as clearly not consistent "with applicable area or neighborhood plans", the standard noted by the Department.

OJUS HOMEOWNERS ASSOCIATION, INC.

By:   
Howard R. Scott, Esq.

Application Number	Applicant/Representative	Recommendations for...
	Location (Acres)	•DISPOSITION
	REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP	•TRANSMITAL
3	Williams Island Country Club, Ltd. / Clifford A. Schulman, Esq., and Mario J. Garcia-Serra,, Esq. Between NE 2 and NE 10 Avenues, south of NE 199 Street, northeast of Snake Creek Canal and northwest of I-95 (142 Acres) FROM: PARKS AND RECREATION TO: LOW DENSITY RESIDENTIAL (2.5 to 6 DU/Ac.) Standard Amendment	•ADOPT WITH CHANGE (only 1/2 of site to Low- Medium Density Residential) •TRANSMIT

#### Application No. 1

**Location:** Begin 100 feet east of NE 26 Avenue to West Dixie Highway and lying north of theoretical NE 197 Street (1.888 Acres)

#### Requested Small-Scale Amendment to the Land Use Plan Map:

From: "Low-Medium Density Residential" (5 to 13 DU/ Gross Ac.)"

To: "Business and Office"

**Recommendation:** ADOPT WITH CHANGE (as Small-Scale Amendment) by deleting the west 24 feet and by extending the "Business and Office" redesignation to the north approximately 300 feet to theoretical NE 198 Street and to the south approximately 200 feet to the northern boundary of Application No. 2 (6.15 total acres with change).

#### Principal Reasons for Recommendation:

- Both the Northeast Community Council and the Planning Advisory Board have recommended to the Board of County Commissioners acceptance of the Ojus Charrette Report, which is the vision for the Ojus Area that was developed with the participation of residents and business people in the area. One of the recommendations in this report for the northern portion of Ojus is a mixed-use development for the entire area bounded by West Dixie Highway, NE 202 Street, NE 26 Avenue and NE 195 Street. Currently, the development in this area consists primarily of small mobile home parks and scattered commercial development along West Dixie Highway. The commercial component of the mixed-use area would be oriented towards West Dixie Highway and the residential component would be facing on NE 26 Avenue. Single-family homes in good condition are located on the west side of NE 26 Avenue. The concept for the commercial center locates the retail activities on the ground floor and retail and office uses on the upper floor. On-street parking areas or three-story garages with retail uses and offices on the ground floor are suggested to provide the required parking. A gateway connecting this mixed-use development and West Dixie Highway to Biscayne Boulevard and the

Aventura Mall area is proposed to be located at theoretical NE 199 Street. This gateway was temporarily opened during the construction of the Biscayne Boulevard flyover.

While the Department agrees with the request for redesignation on the Land Use Plan (LUP) map to "Business and Office" for the property which is currently occupied by Coe's Mobile Home Park and the B'Nai Sephardim-Sharre Shalom Synagogue, the Department is recommending two changes to the application as submitted to facilitate the proposal for mixed-use development in the Ojus Charrette Report. The western boundary of the application area should be moved an additional 24 feet to the east to accommodate a service road for the residential development facing NE 26 Avenue and should remain designated as Low-Medium Density Residential (5 to 13 DU/ Gross Ac.).

In addition, the properties both north and south of the application site should be redesignated from "Low-Medium Density Residential" (5 to 13 DU/ Gross Ac.) to "Business and Office" on the LUP map except for the western 124 feet, which is recommended to remain with the designation of Low-Medium Density Residential. On March 16, 1999, the Board of County Commissioners approved Application No. 1 in the April 1998 Amendment Cycle, which resulted in the redesignation of a 16.3-acre parcel from "Low-Medium Density Residential" to "Business and Office" on the LUP map. The 1998 application site extended as far south as theoretical NE 198 Street and is situated approximately 300 feet north of the current application site. Currently, the property located between the two application sites is occupied by the Chaparral Motel, a small strip shopping center (Landmark Plaza) and the Landmark Mobile Home Court. The Department is also recommending redesignation for the area between Applications No. 1 and 2 to "Business and Office." This property, which is south of the application No. 1 site and with about 200 feet frontage on West Dixie Highway, is currently occupied by the Dixie Mobile Home Court.

2. This site is generally more suitable for a commercial use than a residential use. The Florida East Coast Railroad line, a frequently utilized rail line, is located just east of the site between West Dixie Highway and Biscayne Boulevard. Noise from the trains would be more compatible with commercial development than with residential development.
3. The site is located near the proposed Northeast Rapid Transit Corridor. Mixed-use development would be compatible with a rapid transit corridor.

Application No. 2

NOW BMS - OJUS, LLC

Location: Begin 80 feet east of NE 26 Avenue to West Dixie Highway lying north of NE 195 Street (2.90 Acres)

Requested Small-Scale Amendment to the Land Use Plan Map:  
From: "Low-Medium Density Residential" (5 to 13 DU/ Gross Ac.)

To: "Industrial and Office"

**Recommendation:** ADOPT WITH CHANGE (as Small-Scale Amendment) by changing the designation to "Business and Office" and by excluding the west 24 feet of the application site (2.58 total acres with change).

**Principal Reasons for Recommendation:**

1. As fully stated in principal reason one for Application No. 1, the Ojus Charrette Report recommends a mixed-use development for the entire area bounded by West Dixie Highway, NE 202 Street, NE 26 Avenue and NE 195 Street. The area suggested for mixed-use development includes the application site. The commercial component of the mixed-use area would be oriented towards West Dixie Highway and the residential component would be facing on NE 26 Avenue. Single-family homes in good condition are located on the west side of NE 26 Avenue. The concept for the commercial center locates the retail activities on the ground floor and retail and office uses on the upper floor. On-street parking areas or three-story garages with retail uses and offices on the ground floor are suggested to provide the required parking.

*MAK  
WANE*

The Department is recommending two changes to the application as submitted to facilitate the proposal for mixed-use development that is included in the Ojus Charrette Report. The property, which is currently occupied by the Sun Haven Trailer Park, should be redesignated for "Business and Office" use on the Land Use Plan map (instead of the proposal for "Industrial and Office" in the application. This redesignation is not only more compatible with the recommendation for this area in the Ojus Charrette Report; it is also compatible with the building supply business, Miron Home Center, located south of the application site. In addition, the western boundary of the application area should be moved an additional 44 feet to the east to accommodate a service road for the residential development facing NE 26 Avenue.

*X*

2. This site is generally more suitable for a commercial use than a residential use. The Florida East Coast Railroad line, a frequently utilized rail line, is located just east of the site between West Dixie Highway and Biscayne Boulevard. Noise from the trains would be more compatible with commercial development than with residential development.
3. The site is located near the proposed Northeast Rapid Transit Corridor. Mixed-use development would be compatible with a rapid transit corridor.

**Application No. 3**

**Location:** Between NE 2 and NE 10 Avenues, south of NE 199 Street (Ives Dairy Road), northeast of Snake Creek Canal and northwest of I-95 (142 Acres)

**Requested Amendment to the Land Use Plan Map:**

From: "Parks and Recreation"

To: "Low Density Residential (2.5 to 6 DU/Gross Ac.)"

- Promote car-pooling and use of public transportation.
- Promote a shuttle service to link entire study area and expand the individual radius of activity without relying in the automobile.
- A continuous bikeway (5') is proposed for both sides of W Dixie Hwy as well as parallel parking to protect pedestrians and slow down traffic.
- Shade trees are to be planted at every two cars under-planted with native drought tolerant plant material.
- Sidewalks should be provided throughout the entire area to encourage pedestrian activity.
- Safe pedestrian crosswalks are proposed at about 300' o.c. where pedestrian areas are enlarged to minimize crossing distances coupled with textured paving to encourage traffic calming
- Improve and expand the existing infrastructure level of service to meet the Master Plan proposed requirements. This is especially important in the sanitary sewer service category.
- Evaluate existing storm service for potential river contamination at the various outfalls along the Oleta River and improve monitoring and maintenance of the existing drainage structures. Expand system capacity if required to meet the Master Plan proposed requirements. This should involve DERM and Miami-Dade Public Works Department.
- Promote water conservation by means of low-volume irrigation systems, native plant material planting, and xeriscaping techniques.

#### HOUSING - NORTH DISTRICT

The Master plan proposes two story townhouses or garden apartments along the eastside of NE 26<sup>th</sup> Avenue, (the site of the mobile home park). This land use would reinforce 26<sup>th</sup> Avenue as a residential street, allowing existing single-family residential units to face their residential counterparts. This housing type would permit a density that is more economically viable and respond to the group consensus of mixed-use for this property. Behind the town homes proposed for this area, commercial-retail development is suggested as the appropriate land use.

#### HOUSING - CENTRAL DISTRICT

The master plan proposes townhouses, garden apartments, or two story condominiums, in response to the amount of underutilized lots and duplex zoning. At the southern edge of the central district, along Miami Gardens Drive the plan calls for single family zero lot line (mews housing) similar to those in the Dutch Village in Coral Gables. This is in response to the projected market demand for upscale single-family housing.

#### HOUSING - SOUTH DISTRICT

The Master Plan proposes townhouses or zero-lot line single-family units for the South District, in response to the following:

- Vacant and underutilized lots
- Duplex zoning
- Market demand
- Existing single family character
- Size of the district and existing street grid.

Both the Central and the South Districts lend themselves to residential infill redevelopment because of the existing zoning, the existence of vacant and or underutilized lots and the demand for housing within the area. The housing types that seem appropriate for these areas are townhouses, single family zero lot line, and/or garden apartments. All architectural styles would be Mission Style, Commercial Masonry Vernacular or Minimal Traditional, consistent with the history and character of Ojus. Acknowledging history and enhancing neighborhoods through urban design and new construction sensitive to historical styles will help the area celebrate its past. Facade improvements should be encouraged for the existing housing stock within these two districts, as should a swale restoration program and a tree canopy enhancement program.

#### COMMERCIAL / RETAIL

The Master Plan proposes several changes along the commercial corridors of West Dixie Highway and Miami Gardens Drive. The proposed changes are intended to create a livelier environment. The goal is to develop a Main Street atmosphere on West Dixie Highway, while creating a pedestrian friendly street along Miami Gardens Drive.

- Buildings should be built with their property lines facing Main Street and with on-street parking
- Off Street parking lots must be located in the rear of the building.
- Buildings should be tall enough to create a sense of enclosure and urban character. Mixed-Use retail and office uses should be limited to 3 stories on Main Street, from Miami Gardens Drive, to NE 300<sup>th</sup> Street. Mixed-Use office with retail on the ground floor should allow 3 stories only.
- Sidewalks should be wider, 6' minimum, and shaded with trees in combination with awnings or arcades incorporated into the building design.
- Buildings should have simple architectural styles and details that conform to one of the established historical characteristics and the adopted Urban Design Guidelines.
- Buildings that have apparent historic significance, such as "Berky's", should be assessed and designated in accordance with the state of Florida and Miami-Dade County requirements.
- Active storefronts, windows, and doors should face sidewalks. Blank walls should be avoided. The character of walls lining the street can entice or repel a pedestrian from continuing to walk down a street. Solid or blank walls fronting Main Street should be limited to 20%.

3  
STORY  
LIMIT

3 STUDY  
LIMIT

- A vertical mixture of uses including retail, office and residential should be allowed. Having a variety of uses within walking distance encourages trips to be made on foot or on a bicycle rather than an automobile.
- Warehouses should orient light industry to the rear of the lot facing the railroad.
- The West Dixie retail corridor should be extended to connect to the commercial center proposed for the area of what is now the mobile home park. The street profile should be similar to West Dixie or Main Street.
- Pedestrian improvements should be implemented to assist in crossing Miami Gardens Drive and West Dixie Highway in order to improve access to both commercial, residential and civic buildings in the area. For example, increased width of sidewalks at intersection crossings to allow more space for pedestrian traffic, improved definition of crossings, and clear separation of vehicular turning.
- Facade improvements and renovations should be encouraged in conformance with one of the historic characteristics and the Urban Design Guidelines.

The following recommendations are made to accomplish specific improvements along West Dixie Highway and Miami Gardens Drive:

- The first suggestion is the creation of an overlay-zoning district for the area. Such a district will encourage the mixture of uses combining residential, office, hotel, restaurant, theatre, and retail while promoting an environment more conducive to pedestrian traffic in keeping with the historic character of the community;
- Joint advertising and marketing by local merchants;
- Strict code regulating signage and graphics.
- The improvement of shop window displays through the use of exhibits and display guidelines; and
- Programming recurring events and activities on West Dixie Highway Main Street.

The small town charm, which still exists in Ojus, should be utilized as a marketing tool to attract non-residents. The fact that Ojus is a place where residents know one another and many business owners reside within the community should be capitalized upon. The eclectic nature of the commercial corridor should be retained with a return to the 'old Florida' charm that sets Ojus apart from other communities within Miami-Dade County. Returning pedestrian orientation to the community is a significant step towards retaining and enhancing this charm.

#### TRAFFIC AND TRANSPORTATION

Congestion, fast moving traffic and cut through vehicular circulation in the residential areas were among the most salient issues concerning the citizens. Although the solving of these issues is generally broader than the scope of this study, several actions are proposed to alleviate these concerns.

- Place parking lots at the back of buildings to help diminish sidewalk interruptions and enhance pedestrian safety.

- Provide parallel parking along all streets coupled with shade trees, wider sidewalks and pedestrian crosswalks a 300' o.c. will increase safety and pedestrian movement.
- Place building fronts with minimum setbacks from the sidewalk coupled with covered arcades or awnings to mitigate the natural elements and encourage pedestrian exploration.
- Provide a comprehensive network of bikeways to allow for alternative transportation modes.
- Develop a shuttle loop system, one internally to the study area and one connecting to Aventura to the east. This will help create a synergistic effect between the east and the west sides of Biscayne Blvd. and discourage the use of automobile. The frequency of service should be no more than 20 minutes. Electric non-polluting noiseless vehicles should be utilized with stops placed at 600' intervals so that a pedestrian is never more than two minutes away from a stop.
- Work with various schools and centers of worship to establish where the everyday vehicular trips are generated from, so that perhaps assembly pick up stations for a tram like or mini bus could be distributed away from the Ojus area and thus help in decreasing the number of vehicles coming to the area at peak use time. It is our understanding that about half the student population at Ojus elementary come from the Aventura area.
- Provide an additional pick-up/drop-off area at the NW quadrant of the proposed expanded campus for Ojus Elementary coupled with the opening of NE 188<sup>th</sup> St to improve traffic access and flow.
- Provide a comprehensive street lighting program to increase safety and promote pedestrian and bicycle movement.
- Synchronize traffic lights during peak flow periods to improve traffic flow at the arterials, improve safety, discourage cut through and allow sufficient time for safe pedestrian crossings.
- Encourage car-pooling and the use of public transportation.
- A comprehensive mutually reinforcing region wide public transportation system needs to be vigorously pursued to further alleviate the existing traffic conditions. Adopt traffic modification measures and traffic calming devices to improve safety and livability of the project area. Traffic calming needs to be used in a comprehensive manner to ensure that the "problem" is not transferred elsewhere in the community. The concept is to modify undesirable traffic patterns, such as speed and volume and to channel the traffic to the arterials, away from residential areas or pedestrian oriented enclaves. Following are general guidelines for traffic calming:

- Establish the need for traffic calming based on established traffic standards by monitoring the areas in question for volume, speed, and traffic pattern movement.
- Minimize street closures; use these only as a last recourse.
- Try using signage and signalization such as prohibiting certain turns during certain periods of the day and monitor results.
- If traffic calming devices are used they need to be monitored in place for a period of 90/120 days to establish the before and after efficacy of the device.

### III. PRELIMINARY MEETINGS

Prior to the Charrette, the consultants held various meetings with the Ojus Steering Committee and Metro-Dade Planning and Zoning Department. Additionally, tours of the Oleta River and the Ojus neighborhood were conducted with concerned citizens and representatives of the Miami-Dade County Planning and Zoning Department.

On Thursday, August 31, 2000, meetings were convened with various stakeholders within the community, including religious and institutional leaders, business owners, landowners, policy makers, and area residents to determine what they felt were the important features of Ojus. Participants recognized the presence of two prominent Miami-Dade County Parks, the Oleta River, and the rich history of the community coupled with the presence of diverse religious, cultural and educational institutions. These factors establish environmental, recreational, and cultural assets unparalleled anywhere else in south Florida. Participants agreed the essence of Ojus consisted of:

- The natural environment provided by the Oleta River, Greynolds and Highland Oaks Parks and the existing tree canopy.
- The small town flair that exists in both the residential areas and the commercial corridor along West Dixie Highway.

Residents described Ojus as a sanctuary where they are sheltered from the more urban development of Aventura and North Miami Beach. There is a feeling that in Ojus residents have access to the best of both worlds. Participants of the meeting were asked to complete a brief three-question survey about their community to serve as a critical guide for the planning of the vision. Below are a summary of the opinions expressed and a sample of the questionnaire.

When asked to rank from one to five the highest priority for preservation, survey responses emphasized the natural environment and the desire to preserve the remaining historic character in the area. Specifically:

- Enhancing and preserving the existing tree canopy
- Preserving and cleaning up of the River and neighboring parks
- Preserving the historic design characteristics and the eclectic nature of the small businesses along West Dixie Highway

Among the highest priorities for change were:

- Traffic slowdown/reduce traffic
- The construction of bikeways and sidewalks
- Ensuring new development conforms to the historic character of the community
- Reducing the number of renters, absentee owners and industrial uses

- Enhancing of existing landscaping throughout the community and along the railroad tracks
- Enhancing the existing tree canopy and River maintenance
- Implementing uniform sewer and transit service throughout Ojus
- Improving unsightly signs and billboards

The third question dealt with their suggestions to implement the changes desired in the community. Participants suggested some of these changes could be facilitated through the following strategies:

- The creation of parking behind shops and along the FEC railroad tracks
- The creation of a shuttle service to and from Aventura to help manage automobile traffic
- The promotion of existing and new businesses to strengthen West Dixie Highway as a commercial center, a main street
- The institution of a neighborhood development association to lobby government and organize the community

The image shows a sample of a questionnaire form. It has several sections with dotted lines for text entry. The sections are labeled as follows: 'Name', 'Address', 'Phone', 'Email', 'Comments', and 'Signature'. There are also some checkboxes and a section for 'Rank'.

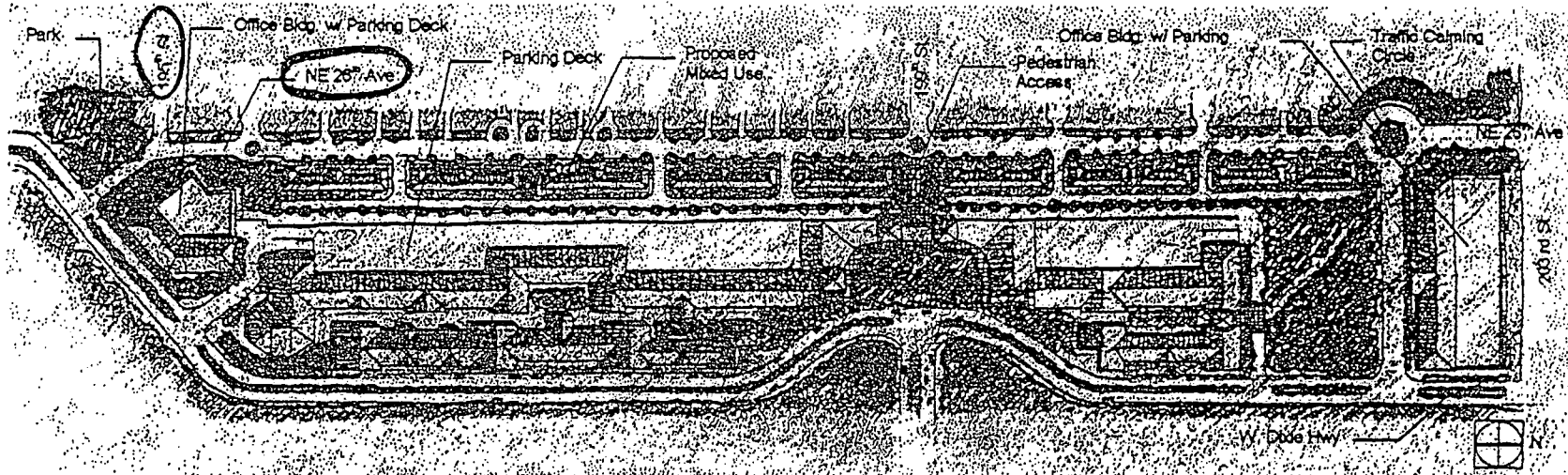
At the meeting residents were asked to take photographs of their likes and dislikes about their surroundings in Ojus. The images showing the conditions residents value most in the area were of the Oleta River, Greynolds Park, tree lined streets, lush landscaping and traditional architectural styles. The photographs depicting negative visual conditions showed unsightly vacant lots, chaotic graphics and billboards, predominance of vehicular traffic and wide vehicular lanes, unsightly parking areas, unkept residential and commercial properties, lack of tree canopy, poor maintenance along the FEC right of way and the absence of sidewalks in many areas.



25

**PROPOSAL FOR AREA NORTH OF 195<sup>TH</sup> STREET**  
**TOWNHOUSES ON 26<sup>TH</sup> AVE. 3-STORY COMMERCIAL ON DIXIE HIGHWAY**  
**NO 6 ½ STORY HIGH SELF STORAGE WAREHOUSE BUILDING**

STUDIO WEEK SKETCHES



COMMERCIAL / MIXED USE AREA AT 199<sup>TH</sup> AND W. DIXIE HWY - PLAN



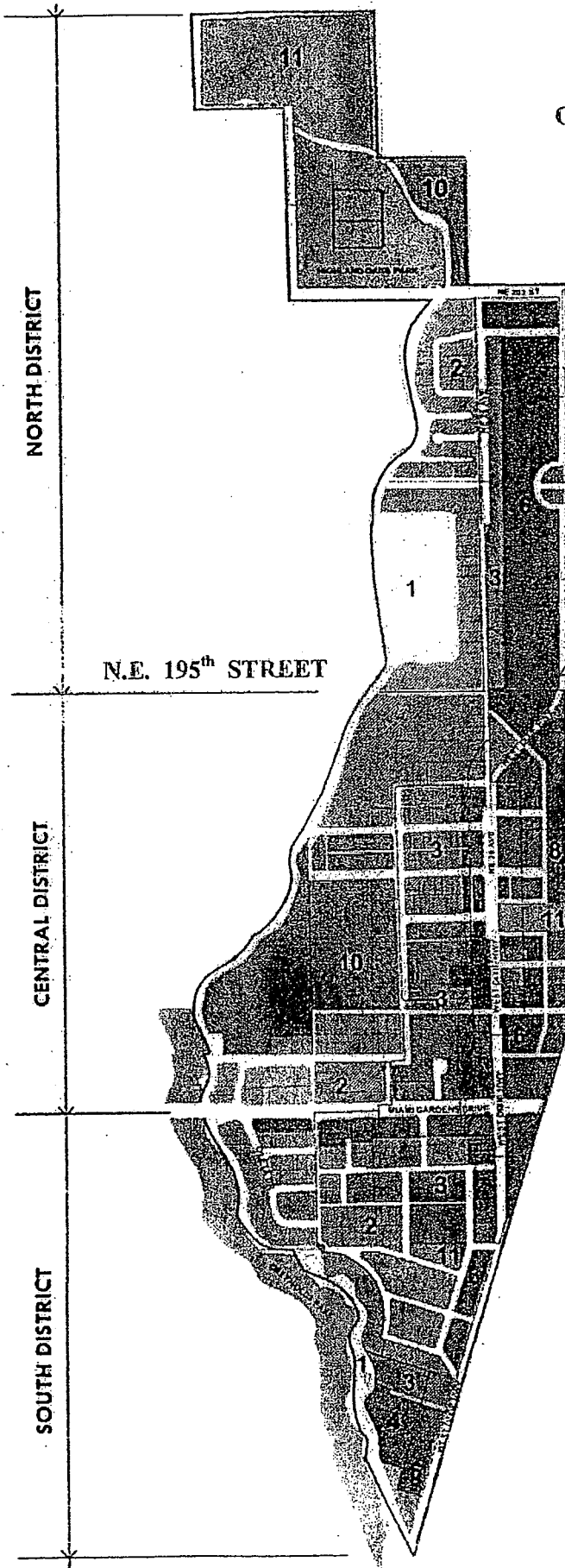
RESIDENTIAL STREETSCAPE AT NE 26<sup>TH</sup> AVE.



TWO STORY TOWNHOUSES OR GARDEN APARTMENTS AT NE 26<sup>TH</sup> AVE

# OJUS FOCUS AREA - PROPOSED LAND USES

THIS IS PAGE 29  
OF THE  
OJUS CHARRETTE REPORT



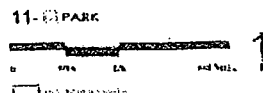
AREA #6  
THE FIVE STORY SELF STORAGE  
WAREHOUSE IS TO BE BUILT  
HERE.  
THIS IS THE NORTH DISTRICT  
DESIGNATED FOR "BUSINESS & OFFICE"  
(SEE #6 IN LEGEND BELOW)

AREA #8  
THIS IS THE "CENTRAL DISTRICT"  
THE ONLY LIGHT INDUSTRY AREA  
IN THE CHARRETTE IS PLACED  
HERE  
(SEE #8 IN LEGEND BELOW)

PLEASE REFER TO MAPS OF  
"CENTRAL DISTRICT"  
ON  
PAGE 38 AND PAGE 40

EXHIBIT III

- |                                   |                            |          |
|-----------------------------------|----------------------------|----------|
| 1- WATER                          | 6- BUSINESS & OFFICE       | 11- PARK |
| 2- RESIDENTIAL LOW DENSITY        | 7- OFFICER/RESIDENTIAL     |          |
| 3- RESIDENTIAL LOW/MEDIUM DENSITY | 8- PROFESSIONAL AND OFFICE |          |
| 4- MEDIUM DENSITY                 | 9- VACANT                  |          |
| 5- RESIDENTIAL HIGH DENSITY       | 10- INSTITUTIONAL          |          |



Pg 29 26

involved and may or may not be compensable.

The property owners also direct our attention to *Benerofe v. State Road Dep't*, 217 So.2d 838 (Fla.1969) cited with approval and quoted in *Tessler*:

"[W]e agree that even when the fee of a street or highway is in a city or a public highway agency, the abutting owners have easements of access, light, and air from the street or highway appurtenant to their land, and *unreasonable interference* therewith *may* constitute a taking ... requiring compensation therefor." [e.s.]

*Tessler*, at 848; *Benerofe*, at 839.

[5] Both *Tessler* and *Benerofe* instruct us that the agency controlling the street may in fact interfere with easements of light, air, and view without its constituting a taking so long as the interference is reasonable. In applying this holding of *Tessler* and *Benerofe* to the instant case, the "interference," i.e., the elevation of the lanes is not a taking of light, air, or view (or visibility). Reducing the traffic distress at this intersection by elevated lanes is certainly within the discretion of the DOT and is well within the bounds of reason.

We find as a matter of law<sup>6</sup> that the closing of the southern Biscayne Boulevard exit, when considering the remaining access to the property, is not a substantial loss of access.<sup>7</sup> We also conclude that there has been no taking of light, air, and view (or visibility). As a result we reverse the trial court's order and remand with instructions to enter judgment for the

6. See *Weaver Oil Co. v. City of Tallahassee*, 647 So.2d at 822 where the supreme court concluded as a matter of law that there was no taking under the facts there involved.

7. Compare the instant facts to those of *Tessler*:

"As part of a bridge construction and road widening project, the county planned to construct a retaining wall directly in front of the respondents' property, which would block all access to and visibility of the respondents' place of business from Palmetto

State Department of Transportation on the inverse condemnation claim. Having concluded that there is no taking and thus no basis for inverse condemnation, we deny the various appellees' requests for attorney's fees.<sup>8</sup>

Reversed and remanded.



Thomas BAKER, Aino Baron, Charles Baron and Hammocks Properties, Inc., Petitioners,

v.

METROPOLITAN DADE COUNTY, a/k/a Miami-Dade County, a political subdivision of the State Of Florida, Smithsonian Investments, Inc., and BMS Management Company, Respondents.

No. 3D00-1118.

District Court of Appeal of Florida, Third District.

Aug. 2, 2000.

Rehearing Denied Jan. 3, 2001.

After county zoning appeals board granted application for special exception, unusual use, and non-use variances, the Circuit Court Appellate Division, Dade County, Eugene J. Fierro, Michael B. Cha-

Park Road.... The wall will extend to a point approximately twenty feet east of the property. Consequently, the respondents and their customers will only be able to reach the property from Palmetto Park Road by an indirect winding route of some 600 yards through a primarily residential neighborhood."

*Tessler*, at 847.

8. See *Department of Transp. v. Gefen*, 636 So.2d 1345 (Fla.1994).

vies, and Maynard A. Gross, JJ., upheld county board resolution. Objectors petitioned for writ of certiorari. The District Court of Appeal, Fletcher, J., held that: (1) county board could not approve application inconsistent with county's comprehensive plan on ground of fundamental fairness, and (2) parking lot that would serve commercial use would be commercial.

Petition granted and decision quashed.

#### 1. Zoning and Planning ⇨745.1

District Court of Appeal's review of the Circuit Court's decision on appeal of decision by Zoning Appeals Board is limited to determining whether the Circuit Court afforded due process and correctly applied the correct law.

#### 2. Zoning and Planning ⇨489, 490

Applicant seeking special exceptions and unusual uses needs only demonstrate to decision-making body that its proposal is consistent with county's land use plan, that uses are specifically authorized as special exceptions and unusual uses in zoning district, and that requests meet with applicable zoning code standards of review; if this is accomplished, then application must be granted unless opposition carries its burden, which is to demonstrate that applicant's requests do not meet standards and are in fact adverse to public interest.

#### 3. Zoning and Planning ⇨378.1, 489

All actions taken in regard to development orders, not just special exceptions and unusual uses, shall be consistent with local government's land use plan; it is in all cases the applicant's task to demonstrate such plan consistency. West's F.S.A. § 163.3194(1)(a).

#### 4. Declaratory Judgment ⇨209

Zoning and Planning ⇨565, 568, 642

Ordinarily, if aggrieved or adversely affected party undertakes to challenge development order as being inconsistent with land use plan, time limits of statutory pro-

cedure to bring challenge preclude judicial challenges by certiorari review as a practical matter and as a legal matter, and correct action for such challenges is ordinarily one for declaratory and injunctive relief, with a trial de novo. West's F.S.A. § 163.3215.

#### 5. Zoning and Planning ⇨562

Objectors challenging development order as being inconsistent with county's comprehensive plan did not have to follow statutory procedure by filing verified complaint with county to seek ruling on plan consistency, as county knew it was plan inconsistent and had so pronounced it, and thus, it would serve no purpose to require county to rule on verified complaint regarding consistency. West's F.S.A. § 163.3215.

#### 6. Zoning and Planning ⇨381.5

County board did not have the authority to reject residential plan designation on two lots and approve application for commercial development order despite inconsistency with county's comprehensive plan on ground of fundamental fairness; only court had authority to make fundamental fairness determination. West's F.S.A. § 163.3194(4)(a).

#### 7. Constitutional Law ⇨70.1(12)

Separation of powers is violated by authorizing quasi-judicial boards to direct which planning designation will apply to property, which is a legislative function.

#### 8. Municipal Corporations ⇨111(2)

State general law prevails over local ordinances.

#### 9. Zoning and Planning ⇨280

Parking proposed to be located on residential lot was commercial parking, serving commercial self-storage facility on neighboring lot, and thus was not a permitted unusual use under county code which allowed only noncommercial parking as an unusual use, as self-storage use could not survive if it had no parking for people

who wished to use it, and thus parking was critical to the self-storage operation.

#### 10. Zoning and Planning ⇐280

Parking lots which serve commercial uses are themselves commercial, whether the customer pays for the parking at the parking lot or elsewhere or whether the parking cost is absorbed by the owner or tenants of the commercial structure and the customer lays out no cash for parking on the lot.

Charles M. Baron, North Miami Beach, for petitioners.

Bercow & Radell and Jeffrey Bercow, Miami, and Deborah L. Martohue, Miami; Geller, Geller, Beskin, Shienbold, Fisher & Garfinkel and Peggy Fisher (Hollywood); Robert A. Ginsburg, County Attorney and Craig H. Collier, Assistant County Attorney, for respondents.

Before GERSTEN, FLETCHER, and SORONDO, JJ.

FLETCHER, Judge.

Thomas Baker, Aino Baron, Charles Baron, and Hammocks Properties, Inc. [objectors] have petitioned for a writ of certiorari, seeking the quashal of a decision of the appellate division of the circuit court, upholding resolution no. CZAB2-3-99 of the Miami-Dade County Community Zoning Appeals Board 2. The county board's resolution granted an application by the respondent property owners for a special exception, an unusual use, and several non-use variances on the subject property. We grant the petition and quash the circuit court's decision.

[1] Our review is limited to determining whether the circuit court afforded due process and correctly applied the correct law.<sup>1</sup> *Jesus Fellowship, Inc. v. Miami-*

1. This second element of review is also expressed as whether the essential requirements of the law have been observed. See *Florida Power & Light Co. v. City of Dania*, 761 So.2d 1089 (Fla.2000).

*Dade County*, 752 So.2d 708 (Fla. 3d DCA 2000); *Maturo v. City of Coral Gables*, 619 So.2d 455 (Fla. 3d DCA 1993); *Herrera v. City of Miami*, 600 So.2d 561 (Fla. 3d DCA), review denied, 613 So.2d 2 (Fla. 1992). From our review we conclude that the circuit court failed to apply the correct law as to several issues.

The property subject to the application consists of four adjacent lots forming a rectangle. Lot one (approximately seven-tenths of an acre) is zoned for a number of commercial uses,<sup>2</sup> but does not automatically allow the desired use (a self-storage facility), for which use a special exception is required. Lots two and three, zoned for residential use,<sup>3</sup> together total approximately one and one-half acres. Lot four is zoned for residential use also, but is a part of the Oleta River and the river's mangrove fringe. The existence of the river and its mangroves precedes by far (in geologic terms) the platting and zoning of lot four, which lot all parties agree is protected from development. As to the county's comprehensive development master plan, it designates lot one as business and office, and lots two, three, and four as low-medium density residential.

In its efforts to develop a self-storage facility on lot one (the only commercially plan-designated and zoned lot) the property owners applied to the county for a special exception therefor. In order to increase the size of the requested facility beyond that which could be built on lot one alone, a site plan was submitted which includes the use of residentially plan-designated and zoned lots two and three in conjunction with commercial lot one. Specifically, the site plan calls for lots two and three to be used for the required parking and landscaped open space, for a self-stor-

2. The county's BU-2 zoning category.

3. The county's RU-3M zoning category.

age facility of the size proposed on lot one.<sup>4</sup>

In order to accomplish this over-size commercial enterprise it was necessary for the property owner to receive the county board's approval, at a public hearing, of numerous requests:

- (1) a special exception to permit a self-storage facility;
- (2) six variances:<sup>5</sup> to lot coverage, floor area ratio, parking, setback, lot boundary wall, and subdivision street requirements;
- (3) an unusual use to permit the parking to be located in a zone [RU-3M, residential] more restrictive than the use [BU-2, commercial] it serves.<sup>6</sup>

The county board, against the objectors' protests, approved the requests. Our reasoning follows, whereby we have concluded that the circuit court failed to apply the correct law.

[2, 3] As we observed in *Jesus Fellowship, Inc. v. Miami-Dade County*, 752 So.2d at 709:

"An applicant seeking special exceptions and unusual uses needs only demonstrate to the decision-making body that its proposal is consistent with the county's land use plan; that the uses are specifically authorized as special exceptions and unusual uses in the zoning district; and that the requests meet with the applicable zoning code stan-

dards of review. If this is accomplished, then the application must be granted unless the opposition carries its burden, which is to demonstrate that the applicant's requests do not meet the standards and are in fact adverse to the public interest."

See also *First Baptist Church of Perrine v. Miami-Dade County*, 768 So.2d 1114 (Fla. 3d DCA 2000). Thus, when an applicant seeks approval of a special exception or an unusual use, the applicant's first concern is its proposal's consistency with the local government's land use plan.<sup>7</sup>

[4] It is plan consistency that we will first address. The property owners, however, argue that the objectors are precluded from raising the plan's inconsistency by certiorari review. Ordinarily, it is true, if an aggrieved or adversely affected party undertakes to challenge a development order as being inconsistent with the land use plan, the sole method available is that provided by section 163.3215, Florida Statutes (1999). This section provides that an action for injunctive or other relief challenging the plan consistency of a development order cannot be brought until the complaining party has filed a verified complaint with the local government, thus providing an opportunity to eliminate without litigation any plan inconsistency. If the local government fails to correct an inconsistency, then the aggrieved party is free to file its court action. The time limits of

4. Lot four, of course, will remain as part of the Oleta River.

5. Designated as *non-use* variances, thus distinguishing them from use variances. Non-use variances, unlike use variances, do not require a showing of a legal hardship according to the county code. See § 33-311(A)(4)(a) and (b), Miami-Dade County Code. The constitutionality of granting non-use variances without a showing of legal hardship has not been raised.

6. This language was used in the county staff's (department of planning and zoning) recommendation to the county board, as well as in that board's decision (resolution no. CZAB2-3-99). It is, however, inaccurate. Section

33-13, Miami-Dade County Code, which in subsection (e) identifies the allowable types of unusual uses, lists "... parking (*non-commercial* parking in zones more restrictive than in which the use it serves is located) ...."[e.s.] This will be discussed *infra*.

7. Of course, all actions taken in regard to development orders, not just special exceptions and unusual uses, "shall be consistent with such plan ...." § 163.3194(1)(a), Fla. Stat. (1999). It is in all cases the applicant's task to demonstrate such plan consistency. *Village of Key Biscayne v. Tesauros Holdings, Inc.*, 761 So.2d 397 (Fla. 3d DCA 2000); *Ma-chado v. Musgrove*, 519 So.2d 629 (Fla. 3d DCA 1987), *review denied*, 529 So.2d 694 (Fla. 1988).

section 163.3125, as a practical matter and as a legal matter, preclude judicial challenges by certiorari review. See *Poulos v. Martin County*, 700 So.2d 163 (Fla. 4th DCA 1997). The correct action for such challenges is ordinarily one for declaratory and injunctive relief, with a trial de novo. *Poulos*, at 165-66.

[5] However, here we have the square peg that won't fit in the round hole. In making its recommendation the county staff concluded that the applied-for development order would allow a use inconsistent with the county's comprehensive plan; i.e., the parking for the commercial self-storage facility would be located on property designated by the county's plan for residential use. The staff recommended approval nonetheless and the county board in its development order (resolution no. CZAB2-3-99) followed the staff's recommendation. The order thus permits a commercial use (the facility's parking) on residentially planned property in violation of section 163.3194(1)(a), Florida Statutes (1999). There simply is no necessity for the objectors to challenge the order as being plan inconsistent. The county knows it is and has so pronounced. It would serve no purpose to require a verified complaint to be filed with the county seeking its ruling on consistency. We will not require such a useless act.<sup>8</sup>

[6] As we have stated, the county staff recommended approval of the application, and the county board approved it, notwithstanding the plan inconsistency. The county staff's recommendation states:

8. Similarly, in *Village of Key Biscayne v. Testaurus Holdings, Inc.*, *supra*, we did not require the Village to file an action against itself pursuant to section 163.3125 in order for it to determine that its decision denying a zoning action as plan inconsistent was correct.

9. The parking on lot two, residentially planned property, is not the only plan inconsistency. The use of lot three to provide more open space for the self-storage structure on lot one, is also forbidden commercial use on residentially planned property.

"Although only the BU-2 zoned portion of the site (Lot 1) is [plan] designated for Business and Office use, which is consistent with the Master Plan, the remaining portion of the site is designated for Low-Medium residential density and the proposed parking within such designation to serve the commercial use will be inconsistent with the same.<sup>9</sup> Notwithstanding, staff believes that it would be *fundamentally unfair* to deny this application due to the fact that a portion of the RU [residential] zoned portion of the site is a part of the environmentally sensitive Oleta River and mangroves."<sup>10</sup> [e.s.]

Based on their interpretation of the doctrine of "fundamental fairness," the county and the property owners contend that the county board has the authority (1) to reject the land use plan designations, and (2) to determine what land use plan designations should instead be applied. We find to the contrary.

Our analysis of this "fundamental fairness" argument begins with *Machado v. Musgrove*, 519 So.2d 629 (Fla. 3d DCA 1987), wherein this court dealt with the supremacy of land use planning over zoning. In *Machado*, Dade County and the property owners therein unsuccessfully argued that section 163.3194(4)(a) of the Act required land use plans to be flexibly applied, rather than—as this court concluded—strictly applied. Section 163.3194(4)(a) may be found in *Machado*, at footnote 6. It read then as it does here (1999 version):

10. It is a non-sequitur to suggest that because a portion of a planned residential lot cannot be developed, then two adjacent, planned residential lots will be permitted to be used for commercial purposes in order to maximize a commercial use on a fourth lot. It might be acceptable sequential logic for the number of residential units that the zoning would have allowed on the undevelopable lot to be transferred to the adjacent residential lots. That, however, is not before us.

BAKER v. METROPOLITAN DADE COUNTY

Cite as 774 So.2d 14 (Fla.App. 3 Dist. 2000)

Fla. 19

"A court, in reviewing local governmental action or development regulations under this act, may consider, among other things, the reasonableness of the comprehensive plan, or element or elements thereof, relating to the issue justiciably raised or the appropriateness and completeness of the comprehensive plan, or element or elements thereof, in relation to the governmental action or development regulation under consideration. The court may consider the relationship of the comprehensive plan, or element or elements thereof, to the governmental action taken or the development regulation involved in litigation, but private property shall not be taken without due process of law and the payment of just compensation." [e.s.]

As to section 163.3194(4)(a), this court stated, at 635:

"We read the provision, in context, as a recognition of the court's inherent power to take into account fundamental fairness questions as may arise from a strict application of the plan—not as a license to second-guess the legislative body where there is simply the to-be-expected collision of the plan with private interests." [e.s.]

"Fundamental fairness" questions are judicial ones, within the jurisdiction of the courts, and are so recognized by the legislature.

The county and the property owners contend that the county has by ordinance empowered its quasi-judicial zoning boards with this inherent power of the courts. Thus, they contend, county boards can invalidate plan designations and replace the

eradicated designations with whatever designations the county boards see fit to apply. For this proposition they call upon section 2-114(c)(2), Miami-Dade County Code, part of the Legislative Intent section of the county's land use plan. Section 2-114(c)(2) reads:

"The Comprehensive Development Master Plan shall not be construed to preempt considerations of fundamental fairness that may arise from a strict application of the Plan. Accordingly, the Plan shall not be deemed to require any particular action: (a) where the plan is incomplete or internally inconsistent, (b) that would constitute a taking of private property without due process or fair compensation; or (c) which would deny equal protection of the laws."

The county and the property owners contend that the county board legally applied this section when it determined that it would be fundamentally unfair for lot four to remain part of the Oleta River, determined not to apply the existing residential designations on lots two and three, and instead elected to apply a commercial designation thereon.<sup>11</sup>

[7] Our reading of code section 2-114(c)(2) leads us to conclude that it is not an empowerment of any board, but a reflection of the county's desire that in a court review of development orders, *Machado's* insight into fundamental fairness not be lost in the shuffle. Indeed, if we viewed this statement of intent as an empowerment of administrative boards, we would be compelled to declare it unconstitutional as not providing sufficient standards upon which the boards could act;<sup>12</sup>

11. Neither the county staff's recommendation nor the county board's resolution states why they consider it to be fundamentally unfair to let the river be the river just as it was when the property owners purchased it. Neither do they state which category of unfairness is implicated, i.e., whether (a), (b) or (c) of section 2-114(c)(2). However, their reference to the inability to use lot four as it is part of a (natural) river smacks of a "taking" without due process or fair compensation argument. However, *Graham v. Estuary Properties*, 399

So.2d 1374 (Fla.), cert. denied, 454 U.S. 1083, 102 S.Ct. 640, 70 L.Ed.2d 618 (1981), negates any such taking argument. See *Graham*, 399 So.2d at 1382.

12. As this court stated in *Machado*, at 634:

"Dade County argues that the plan's textual language states a general policy which it is not bound to follow. We agree with the respondents that if that is the case then there are no standards or parameters to



as attempting to grant judicial powers<sup>13</sup> to administrative boards; and as violating the separation of powers.<sup>14</sup>

[8] We also would be required (if the county's and the property owner's position were correct) to declare that the county ordinance, section 2-114(c)(2) of the code, must fall because of its conflict with state law.<sup>15</sup> Their argument has the county board electing which plan designation to apply. Pursuant to the Act, however, that choice is made by the local government's governing body, and only after the procedures required by the Act. *See, e.g.*, § 163.3184, Fla. Stat. (1999).

In summary as to plan inconsistency, the county board was required to deny the application. The circuit court failed to apply the correct law when it concluded that the county's quasi-judicial board had the authority to reject the plan designation on the subject property and to determine which designation to apply thereto.

[9] As we previously stated, an applicant for a special exception or unusual use must also demonstrate that the applied-for use is specifically authorized in the zoning district in which it is to be located. *Jesus Fellowship, Inc.*, 752 So.2d 708. The unusual use here applied for was one to permit commercial parking to be located in a residential zone. As we have previously noted, see footnote 6, the county code contains no such unusual use authorization. Section 33-13, Miami-Dade County Code,

guide when, where, what kind and how much commercial use will be permitted in a planned residential zone, leaving the zoning authority free to approve, *ad hoc*, commercial zoning in a residential zone subject only to a deferential court review. We have previously rejected that philosophy. . . ."

13. That is, the power to determine the illegality or unconstitutionality of legislation (the existing designations). *See Palm Harbor Special Fire Control Dist. v. Kelly*, 516 So.2d 249 (Fla.1987)(An administrative agency has no power to declare a statute void or otherwise unenforceable.); *Dade County v. Overstreet*, 59 So.2d 862 (Fla.1952); *Machado, supra*.

lists the unusual uses which may be permitted. It authorizes:

"Parking (*noncommercial* parking in zones more restrictive than in which the use it serves is located) . . . ." [e.s.]

As the application was for an unusual use to permit *commercial* parking in a more restrictive zone, the requested unusual use was not an authorized one and the county board had the duty to deny the unusual use.

However, the county and the property owners take the position that the parking proposed to be located on lot two is non-commercial parking even though it will serve the commercial use (the self-storage facility). This position is at odds with the county staff's recommendation, which the county board followed, recognizing that the parking on lot two serves the commercial use on lot one and therefore is inconsistent with the residential designation on lot two.

[10] Clearly, the self-storage (commercial) use cannot survive if it has no parking for people who wish to use it. The parking is as critical to the self-storage operation as the five-story, self-storage structure itself. In *Homer v. Dadeland Shopping Center*, 229 So.2d 834 (Fla.1970), the Florida Supreme Court, in dealing with the ad valorem taxation of a shopping center's parking area, noted at 837:

"So it is that the *land used for the parking area is an integral part of the shopping center* and just as important to its development as the land upon which

14. Separation of powers is violated by authorizing quasi-judicial boards to direct which planning designation will apply to property, which is a legislative function. *See City of Miami Beach v. Weiss*, 217 So.2d 836 (Fla. 1969); *Metropolitan Dade County v. McGeary*, 291 So.2d 28 (Fla. 3d DCA 1974). Although these (and other such cases) involved legislative zoning districts and the instant case involves legislative planning designations, the principle remains the same.

15. State general law prevails over local ordinances. *E.g.*, *Dade County v. Mercury Radio Service, Inc.*, 134 So.2d 791 (Fla.1961).

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Cite as 774 So.2d 21 (Fla.App. 3 Dist. 2000)

the buildings are to be erected. The tax assessor was justified in placing the same value on the land used for the parking area as the land upon which the improvements were erected." [e.s.]

Parking lots which serve commercial uses are themselves commercial. This is true whether the customer pays for the parking (at the parking lot or elsewhere) or whether the parking cost is absorbed by the owner or tenants of the commercial structure and the customer lays out no cash for parking on the lot. The requested unusual use is not authorized in the residential district and must be denied.

For the foregoing reasons we conclude that the county board was required to deny the property owners' application, and the circuit court failed to apply the correct law in not quashing the board's decision. The petition for writ of certiorari is granted and the decision of the circuit court is quashed.



1

Jacqueline CASECUBERTA, Appellant,

v.

CITY OF CORAL GABLES, Appellee.

No. 3D00-478.

District Court of Appeal of Florida,  
Third District.

Aug. 9, 2000.

Motion for Clarification Denied  
Dec. 20, 2000.

An Appeal from the Circuit Court for  
Dade County, Herbert Stettin, Judge.

Richard A. Barnett (Hollywood), for ap-  
pellant.

Akerman, Senterfitt & Eidson and Mi-  
chael Fertig and Christine L. Welstead,  
Miami, for appellee.

Before SCHWARTZ, C.J., and  
GODERICH and SORONDO, JJ.

PER CURIAM.

Affirmed. See *Metropolitan Dade Coun-  
ty v. Ivanov*, 689 So.2d 1267 (Fla. 3d DCA  
1997), review denied, 698 So.2d 543 (Fla.  
1997); *Ameijeiras v. Metropolitan Dade  
County*, 534 So.2d 812 (Fla. 3d DCA 1988),  
review denied, 542 So.2d 1332 (Fla.1989).



2

The STATE of Florida, Appellant,

v.

Eladio A. GARCIA and Angel  
Gonzalez, Appellees.

Miami Dade County, Appellant,

v.

Jorge Jaen, Benigon Pereda and  
Hector Obregon, Appellees.

Nos. 3D99-2427, 3D99-1725.

District Court of Appeal of Florida,  
Third District.

Aug. 16, 2000.

Rehearing Denied Dec. 20, 2000.

State brought motions in two separate  
criminal actions to tax costs related to  
translation of recorded conversations and  
trial preparation materials against county.  
The state's motion was granted in one  
case, and denied in other by the Circuit  
Court, Miami-Dade County, Michael Gen-  
den, J., and the County Court, Miami-  
Dade County, Kevin Emas, J. Both state  
and county appealed. On consolidated ap-

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# Corporations Online

## Florida Profit

### BLUE GREEN COMMERCIAL CORP.

#### PRINCIPAL ADDRESS

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**EXHIBIT V**

Document Number  
P03000043107

FEI Number  
NONE

Date Filed  
04/17/2003

State  
FL

Status  
ACTIVE

Effective Date  
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## Registered Agent

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Address Changed: 05/09/2003

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# Corporations Online

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Document Number  
P95000012959

FEI Number  
650565061

Date Filed  
02/15/1995

State  
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Status  
ACTIVE

Effective Date  
NONE

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MIAMI FL 33143	
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## Annual Reports

Report Year	Filed Date
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2002	01/22/2002
2003	04/30/2003

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[01/14/2000 -- ANN REP/UNIFORM BUS REP](#)  
[03/06/1999 -- ANNUAL REPORT](#)  
[03/04/1998 -- ANNUAL REPORT](#)  
[03/07/1997 -- ANNUAL REPORT](#)  
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NORTHEAST MIAMI-DADE

# Neighbors fume over zoning change request

**Residents are angry that a five-story warehouse and other commercial uses could be built in the Ojus area.**

BY CARLI TEPROFF  
cteproff@herald.com

When business owners, residents and county administrators in the Ojus area completed a charrette to craft a vision for long-term development in 2001, they thought their input would have an impact on all future development.

But now some are fuming over requests by two companies to change zoning for parcels they own from low-medium density residential to allow for office, industrial and business uses. Those requests face their final hurdle Wednesday at a meeting of the Miami-Dade County Commission.

The parcels, located in the area from Northeast 195th Street north to approximately 199th Street, and between Northeast 26th Avenue and West Dixie Highway, are owned by Limoch Inc. and Blue Green Commercial Corp.

Among the announced intentions for the Blue Green site is a five-story warehouse that has become the focal point of the opposition.

The requests for the zoning change has already been approved by the Northeast Community Council 2 and the Miami-Dade County Planning Advisory Board.

The community council approved it 5-2, with one of the dissenting votes coming from Charles Baron.

"I don't understand why we went through the whole process of completing the charrette report if we weren't going to listen to it," Baron said.

Baron and other residents in the unincorporated area just west of Aventura believe that the request is not consistent with the findings of the 2001 Ojus charrette, which design-

nated the area for mixed-use — residential and commercial.

"I represent the Ojus area and I have to listen to what the residents of the area want," Baron said. "Nobody wants a five-story building in their backyard."

Community council member Ken Friedman said he approved the recommendation based on the fact that it is not a site application, but only changes the land use.

"I am in favor of having a better use for that land," he said. "This is at such an early stage of the game. All this means is that if the county approves it then they can put in a site application."

The Planning and Zoning advisory board approved the request based on some compromises, including a 115-foot "buffer zone" of town houses on the Northeast 26th Avenue side of the property.

Howard Scott, a resident of the planned community of Riverwood, is a vocal critic of the change.

"I have collected over 60 letters from residents who don't want to see this happen," he said. "The commission shouldn't approve a land use for the benefit of one person to the economic detriment of so many residents."

If the County Commission approves, then the companies must submit site plan applications that have to be reviewed by the Planning and Zoning Board.

"We have told people that we intend on building a five-story storage warehouse so that we aren't pulling the wool over anyone's eyes," said Jeff Ber-  
cow, the attorney representing Blue Green. "We feel that our plans are consistent with the charrette."

Wednesday's meeting of the commission begins at 9:30 a.m. at the Stephen P. Clark Center, 111 NW First St., Miami.

EXHIBIT VI

# Corporations Online

## Florida Non Profit

### OJUS HOMEOWNERS ASSOCIATION, INC.

#### PRINCIPAL ADDRESS

10800 BISCAYNE BLVD  
SUITE 610  
MIAMI FL 33161

## EXHIBIT VII

#### MAILING ADDRESS

10800 BISCAYNE BLVD  
SUITE 610  
MIAMI FL 33161

Document Number  
N03000009677

FEI Number  
NONE

Date Filed  
11/03/2003

State  
FL

Status  
ACTIVE

Effective Date  
10/31/2003

## Registered Agent

Name & Address
SCOTT, HOWARD F 10800 BISCAYNE BLVD SUITE 610 MIAMI FL 33161

## Officer/Director Detail

Name & Address	Title
BYER, MORTON 2560 NE 199TH ST MIAMI FL 33180	D
BYER, LORRAINE 2560 NE 199TH ST MIAMI FL 33180	D
SCOTT, HOWARD F 10800 BISCAYNE BLVD SUITE 610	D

**HOWARD F. SCOTT**

10800 BISCAYNE BOULEVARD ♦ SUITE 610 ♦ MIAMI, FLORIDA 33161 ♦ PHONE (305) 892-4554 ♦ FAX (305) 892-4580

November 4, 2003

Commissioner Sally A. Heyman  
111 N.W. 1<sup>st</sup> Street, Suite 220  
Miami, Florida 33128

Re: Proposed Changes to the Miami-Dade County  
Comprehensive Master Development Plan

Dear Commissioner Heyman

I am writing to inform you of my opposition and the opposition of my fellow Ojus residents to the amendments to the CDMP requested by the The Limoch LLC and the Blue Green Commercial Corp.

The Limoch LLC has filed an application which is essentially compatible with and acceptable to our area to amend the CDMP by having property it owns in our neighborhood redesignated from low medium density residential to business & office except for a 100 foot strip of its property facing N.E. 26<sup>th</sup> Ave. Limoch proposes to construct three story commercial buildings on West Dixie Highway and townhouses on the 100 foot strip on 26<sup>th</sup> Ave to maintain the residential character of 26<sup>th</sup> Ave. Current business structures just north on West Dixie Highway in a residential area similar to our neighborhood (but without being on an Enchanted Lake) are one story office and commercial buildings compatible with a residential neighborhood. The existing homes on the west side of 26<sup>th</sup> Ave surround Enchanted Lake are in the \$300,000 to \$400,000 range and have been steadily increasing in value. The Department of Planning recommended a minimum of 124 feet remain as low-medium density residential as the proposed 100 foot wide strip, after accounting for the necessary front and rear setbacks and automotive access and egress is not large enough to actually construct neighborhood compatible townhouses.

The residents of this area believe that 3 story buildings are too tall for the area, but depending on design and landscaping, are open minded about their construction which may prove to be compatible. The recommendation of the Department of Planning and Zoning should definitely be followed, however, allowing a 124 foot wide strip of residential property to remain which would permit the construction of townhouses compatible in value with the Enchanted Lake homes they will be facing.

The Blue Green Commercial Corp has filed an application to amend the CDMP by having property in our neighborhood redesignated from low medium density residential to industrial for half of its property and office for the other half except for an 80 foot strip of its property facing N.E. 26<sup>th</sup> Ave. The Blue Green Commercial Corp. intends to use the requested industrial designation to construct a 5 story high warehouse larger than a football field. It also proposes the construction of townhouses on the 80 foot strip on 26<sup>th</sup> Ave (With front and rear setback requirements, however, an 80 foot strip is inadequate to construct a townhouse compatible with the neighborhood, so the 80 foot strip was enlarged to 115 feet by the Planning Advisory Board).

**EXHIBIT VIII**

1 of 3 40



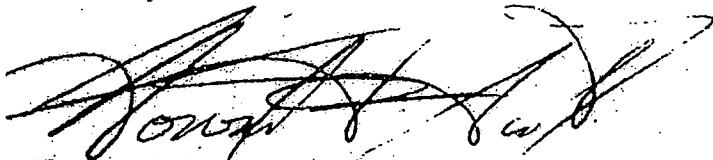
This requested change by to industrial designation for half of the Applicants property should be denied as recommended by the Department of Planning and Zoning. The Applicant should be granted its requested office designation for all of its property.

Construction of a five story warehouse as proposed by the Applicant would be an egregious affront to the entire Ojus community. A five story warehouse is contrary to the recommendations of the Ojus Charrette, contrary to the wishes of the residents of Ojus, contrary to the recommendation of the Department of Planning and Zoning, and by its presence will cause substantial economic harm to the residents of the Ojus community by changing the character of our neighborhood and thus diminishing the value of our homes. Against these compelling reasons to deny the requested industrial classification is the stark absence of even one reason, let alone even one equally compelling reason to grant the requested industrial classification.

Enclosed you will find over 60 letters from residents of the Ojus community clearly stating their opposition to the requested industrial designation. Their opposition to opening access to Biscayne Boulevard is also clearly stated. As attested to at the PAB meeting by Mrs. Morton Byer, at a meeting at her home called by the Applicants it was stated that access to Biscayne Boulevard would be sought. After the PAB meeting I was told access was not being sought. Whether or not such access is being sought by these Applicants has no bearing on the community's opposition to the industrial classification. And, no bearing on the community's continuing opposition to opening access to Biscayne Boulevard.

Commissioner Heyman, in spite of the compelling reasons to deny the requested industrial designation and the absence of any compelling reasons to approve it and contrary to the wishes of the Ojus community, the Community Council and the PAB have favored the Blue Green Commercial Corp. and recommended approval of the requested industrial designation. On behalf of those whose letters accompany this letter and the rest of our Ojus community I respectfully request your help and assistance in opposing and preventing the requested industrial change to the CDMP and the harm it will do to our community.

Sincerely,



Howard F. Scott, Ojus Resident

**EXHIBIT VIII**

2 of 3

41

October \_\_\_\_\_, 2003

Commissioner Sally A. Heyman  
1 N.W. 1<sup>st</sup> Street, Suite 220  
Miami, Florida 33128

Re: Proposed Changes to the Miami-Dade County  
Comprehensive Master Development Plan

Dear Commissioner Heyman:

The Limoch LLC and the Blue Green Commercial Corp. have filed applications to amend the CMDP by changing property in our neighborhood redesignated from low medium density residential to business & office and, unimaginably, industrial. (The Blue Green Commercial Corp. intends to use the requested industrial designation to construct a five story, 55 foot high, neon-lighted warehouse on its property.) The applications are for property in the area which begins at N.E. 195<sup>th</sup> Street (by Miron Lumber) north to approximately N.E. 199<sup>th</sup> Street and between N.E. 26<sup>th</sup> Avenue and West Dixie Highway.

The Blue Green Commercial Corp. and the Limoch LLC also propose opening access to Biscayne Boulevard from West Dixie Highway to further increase the value of their property and the profit they will realize from it.

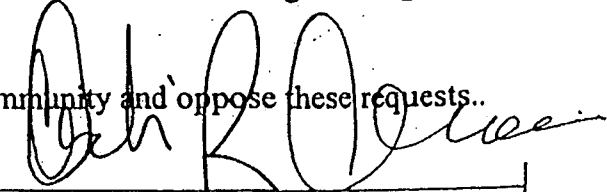
I am writing to tell you of (i) my opposition to the request for an industrial designation of any part of the area in question, (ii) my opposition to redesignating as commercial any more than one half of the property from West Dixie Highway west to N.E. 26<sup>th</sup> Ave, and (iii) my opposition to creating any access to Biscayne Boulevard from West Dixie Highway. All of these requests serve only to enrich the applicants at the expense and to the detriment of those people living in the area and with no benefit to the community.

I respectfully request your help and assistance in opposing and preventing the requested changes to the CMDP. These requested changes will substantially decrease the value of our homes as the overwhelming presence of a 5 story neon lighted warehouse looms over the neighborhood 24 hours a day, 7 days a week, 52 weeks a year. Our homes will suffer even greater loss of value if access to Biscayne Boulevard is opened as the influx of thousands of cars, SUVs and other vehicles, from 10:00 A.M. when the Aventura Mall opens to 10:00 P.M. when the Mall closes, going to the proposed warehouse, businesses and commercial enterprises, as well as those just trying to find a way around the congestion and gridlock of the intersections at Miami Gardens Drive and Biscayne Boulevard and Ives Dairy Road and Biscayne Boulevard, overwhelms our neighborhood, makes our neighborhood streets impassable, threatens the safety of our children and the children attending Ojus Elementary School, the Hillel Community Day School and the Jewish Community Center and impairs the quality of our everyday life. The applicants' interest in maximizing their profits on their investment surely cannot be more important than preserving the value of our homes, the quality of our life and the safety of our children and the children attending our neighborhood schools.

Please let me know you will be there for our neighborhood and community and oppose these requests..

19452 NE 26 Ave #31

Miami, FL 33180

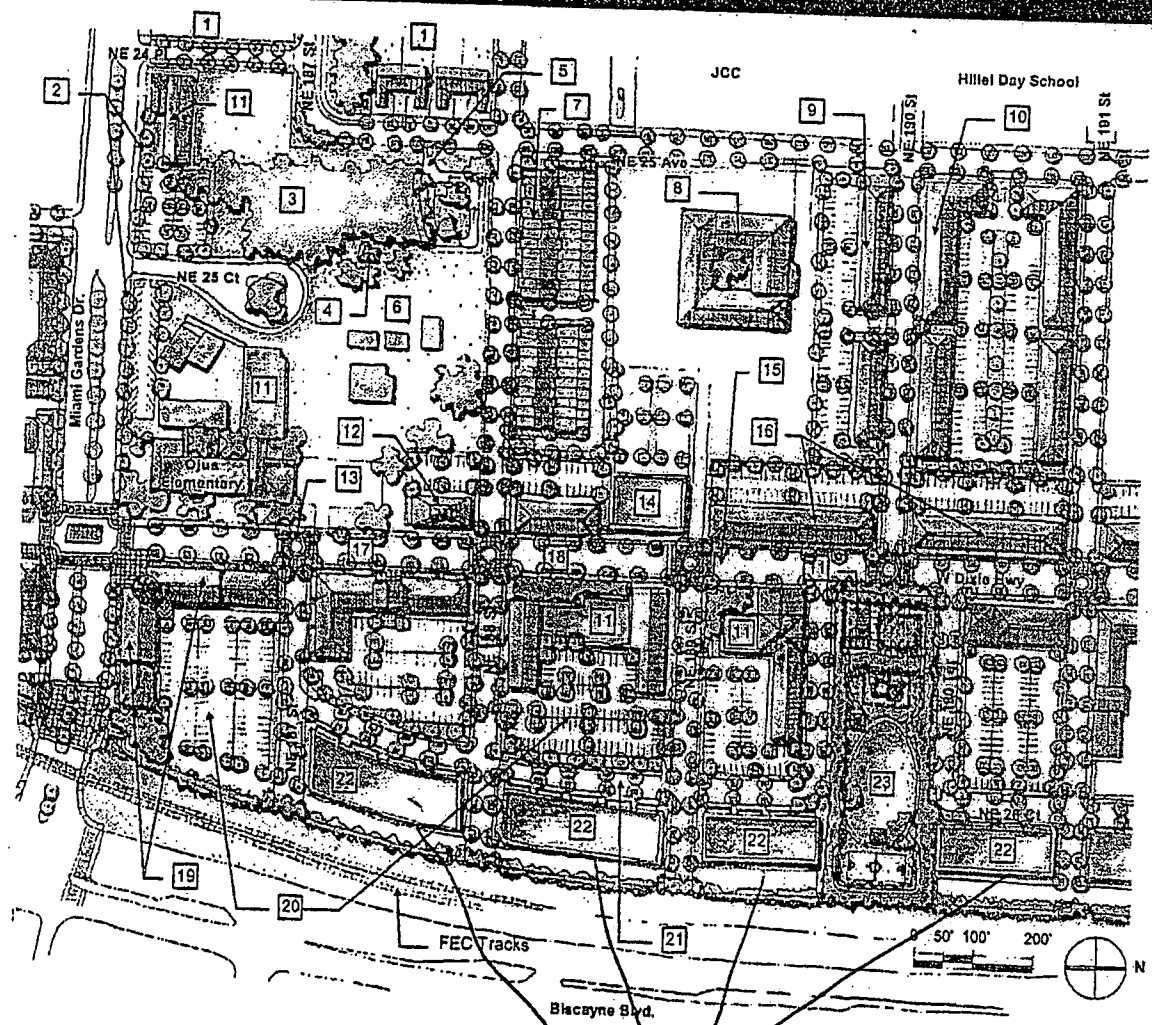
  
Signature: Claudia R. Carrea

Print Name

EXHIBIT VIII

42  
3 of 3

MASTER PLAN PROPOSAL  
CENTRAL DISTRICT DETAIL



1. Proposed "Mews Housing"
2. Work with church and school to provide shade trees to properly screen parking areas from Miami Gardens Drive
3. Preserve existing trees
4. Preserve historic house and use it to provide exhibits on history and environment of the area
5. Proposed drop-off for elementary school
6. Enlarged Elementary School parcel
7. Proposed townhouses
8. Nursing home to remain
9. Proposed health related offices
10. Proposed garden apartments
11. Existing civil/public building to remain
12. Neighborhood public library
13. Textured paving and enlarged pedestrian area to diminish crossing distance, enhance safety and provide traffic calming
14. Existing commercial to remain
15. Shuttle stop at 600' o.c. maximum
16. Enlarged mixed-use commercial parcels (140' - 150') to allow for minimum building setback at sidewalk and parking in the back
17. Continuous parallel parking with shade trees to enhance pedestrian safety and comfort
18. Bikeway at both sides of street, see Plan & Section of Commercial Area along W. Dixie Hwy
19. Proposed mixed use commercial
20. Possible future development of parking deck (2 to 3 levels, maximum 36' high) with retail/commercial at ground level
21. NE 26 Ct is intended to alleviate traffic from W. Dixie Hwy and provide N/S connectivity
22. Light industrial, showroom, office parcels
23. Ojus Park becomes a stronger focal point, serves as a terminus for NE 26<sup>th</sup> Ct. The parking in the front is removed and a treed plaza becomes the window to W. Dixie Hwy. The refurbished park building and covered terrace remain, and parking is provided all around the park for convenience and visual surveillance of the space. Two shelters, a playground and a multi-purpose court are rearranged around a central open lawn area surrounded by a walkway with benches and shade trees. It is anticipated that restaurants and retail will develop facing the park

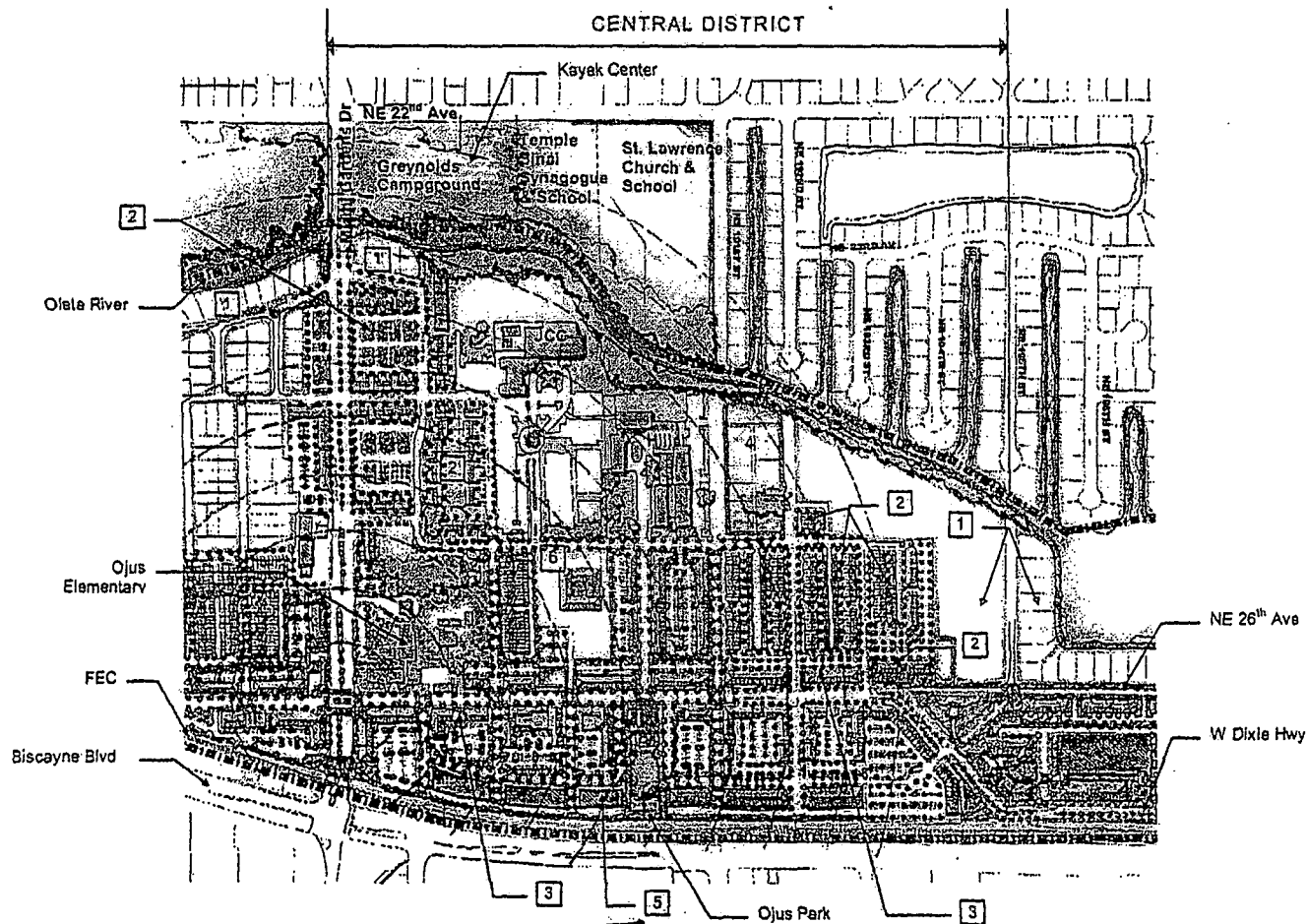


CENTRAL DISTRICT

A Vision for the Ojus Area

44

**PROPOSED MASTER PLAN  
CENTRAL DISTRICT**



1. Existing housing to remain
2. Proposed housing
3. Proposed commercial
4. Proposed civic / Educational
5. Light industrial / Showrooms
6. Existing Nursing Home to remain

**District Data**

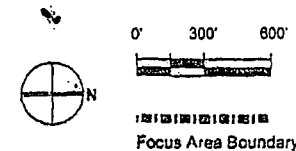
On-site  
parking provided

Industrial:	130,000 sf	163 spaces
Office:	94,000 sf	273 spaces
Retail:	281,000 sf	991 spaces
Total at grade:		1,427 spaces
Total on-street:		300 spaces

**Housing**

Mews:	64 units	128 cars
Townhomes:	188 units	400 cars
Garden apartments:	58 units	141 cars

Parks: 2.3 acres



A Vision for the Ojus Area

38

THE ONLY LIGHT INDUSTRY IN THE CHARRETTE IS IN  
THE CENTRAL DISTRICT SOUTH OF 192<sup>ND</sup> STREET.

**EXHIBIT IX**

**BERCOW & RADELL**  
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-8220  
E-Mail: [Ubercow@BRZoningLaw.com](mailto:Ubercow@BRZoningLaw.com)

VIA FACSIMILE & U.S. MAIL

June 4, 2004

Mr. Michael Bregman  
Department of Planning and Zoning  
Stephen P. Clark Center  
111 NW First Street, 12<sup>th</sup> Floor  
Miami, FL 33128

Re: Ojus Steering Committee Meeting

Dear Michael:

Late yesterday afternoon I received a package from your Department relating to the proposed Ojus Steering Committee meeting scheduled for June 8, 2004.

Our law firm represents several stakeholders in this area, and I do not believe that five days is adequate notice for a meeting as important as this one. Unfortunately, I have a conflict and will not be able to rearrange my schedule in order to attend this meeting.

I would respectfully request that this meeting be rescheduled and readvertised with ample advance notice to the public prior to the meeting date.

Respectfully yours,

  
Jeffrey Bercow

JB/lb

cc: Ms. Diane O'Quinn Williams, Director  
Mr. Subrata Basu, Assistant Director  
Ms. Caryn Montague, Co-Chair  
Mr. George Berlin, Co-Chair  
Mr. David Brown  
Commissioner Sally Heyman  
Christopher G. Korge, Esq.  
Michael Larkin, Esq.

EXHIBIT X

June 8, 2004

Dear Commissioner Heyman

We the undersigned take exception to the abrupt and short notice cancellation of the scheduled 6/8/04 Q/A Steering Committee meeting ostensibly for the convenience of one individual not a member of the Committee to the inconvenience of all those of your constituents who attended, especially given that such cancellation was for a Town Hall meeting that is not scheduled and where no alternate Steering Committee meeting has been scheduled.

1. Roger Harris
2. Sheila Mornile
3. Dan Macfield Q/A Plan
4. Catherine Hunt
5. Edna N. H.
6. Lance Espino
7. Rafael Espino
8. John Sab
9. Sam Mornile
10. John Murns
11. Det. M. J.
12. Emma Link
13. Morton Byer
14. Joanne Byer
15. Cindy M. H.
16. Joanne M. H.
17. Michelle M. H.
18. Charles Bacon, Councilman
- 19.

EXHIBIT XI

RESOLUTION NO CC 02-03-04

RESOLUTION OF THE NORTHEAST COMMUNITY COUNCIL 2 DIRECTING THE OJUS STEERING COMMITTEE RECONVENE THE LAY, GOVERNMENT AGENCIES AND ALLIED ENTITIES WHO PARTICIPATED IN THE OJUS AREA STUDY AND CHARETTE TO PREPARE AND REPORT FINDINGS, AT THE OCTOBER 6, 2004 NEXT SCHEDULED NON-ZONING MEETING, A TIMELINE OF ACTIONS, DEVELOPED AS "VISIONS" IN THE CHARETTE, WHICH ARE REASONABLE FOR IMPLEMENTATION WITHIN THREE-MONTH, SIX-MONTH, ONE-YEAR, THREE-YEAR, AND FIVE-YEAR INTERVALS WITH RECOMMENDATIONS FOR ITEMS INCLUDING BUT NOT LIMITED TO ZONING OVERLAYS, NEIGHBORHOOD CLEAN UP INITIATIVES, OLETA RIVER CLEAN UP, AND GENERAL IMPROVEMENTS

WHEREAS, Section 20-40 of the Code of Miami-Dade County establishes Community Councils in the unincorporated area; and

WHEREAS, the Community Councils may pass certain resolutions pertaining to studies that have a direct impact on the quality of life within their designated service areas consistent with the Code; and

WHEREAS, Northeast Community Council 2 previously sponsored the request to do an Area Study of Ojus in response to the need to evaluate land use and revitalization; and

WHEREAS, the Miami Dade Board of County Commissioners voted to support the Area Study, and provided funding to do so; and

EXHIBIT XII

WHEREAS, the Area Study was lead by a "steering committee" comprised of residents; county, state and city departments and personnel; business people; planners; developers; police and school representatives; elected officials, and other "stakeholders" interested in seeing the Ojus community grow cohesively, with a "vision for the future;" and

WHEREAS, the culmination of the Area Study was a "Charette" of which the Charette report represents the concepts generally agreed to for the future of the Ojus community; and

WHEREAS, the concepts were embraced by the community, and subsequently by the Northeast Community Council, Board of County Commissioners, and Planning Advisory Board; and

WHEREAS, the area study, steering committee and Charette process demonstrated a need for initiating many components of community short and long term planning; and

WHEREAS, a timeline for initiation and implementation of short and long term terms goals should be developed by the participating "stakeholders," particularly the Steering Committee, Department of Planning and Zoning, and Team Metro Northeast, with said timeline addressing aforementioned schedule; and

WHEREAS, at their meeting held on June 10, 2004, the assembled members of the Northeast Community Council 2 discussed the importance of the Ojus Area Study and Charette report, and the necessity of having relevant governmental agencies indicate what could be expected of their involvement of the implementation of the various phases contained in the Study and Charette report;

NOW, THEREFORE BE IT RESOLVED THAT THE NORTHEAST COMMUNITY COUNCIL 2 hereby directs Ojus Steering Committee reconvene the lay, government agencies and allied entities who participated in the Ojus area study and Charette to prepare and report findings, at the October 6, 2004 next scheduled non-zoning meeting, a timeline of actions,



developed as "visions" in the Charette, which are reasonable for implementation within three-months, six-months, one-year, three-years, five-years intervals with recommendations for items including but not limited to zoning overlay, neighborhood clean up initiatives, Oleta River Clean up, and general improvements.

The forgoing resolution was offered by Council Person Kenneth Friedman, who moved its adoption and was seconded by Council Person William Koppel, and upon being put to a vote the vote was as follows:

Charles Baron	Aye	Reynold Stein	Aye
Ken Friedman	Aye	Peggy Stroker, Vice-Chair	Aye
William Koppel,	Aye	Patrick J. Gannon, Jr.	Aye
Anita Pittman	Aye		
		Adrienne Promoff, Chair	Aye

The Chair thereupon declared the resolution adopted this 10<sup>th</sup> day of June 2004.

I hereby certify that the above information reflects the action of the Council.

Luis A. Vargas Jr.

Luis A. Vargas Jr.  
Executive Secretary

APPELLANT MUST SIGN THIS PAGE

Date: 26 day of October, year: 2004

Signed

[Signature]

Print Name

HOWARD F. SCOTT

Mailing Address

10800 BISCAYNE BLVD #610

MIAMI, FL 33161

Phone

305-892-4534

Fax

305-892-4580

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate:

Representing

OTUS AMERINDIAN ASSOCIATION, INC

Signature

[Signature]

Print Name

HOWARD F. SCOTT

Address

10800 BISCAYNE BLVD #610

City

MIAMI

State

FL

Zip

33161

Telephone Number

305 892 4534

Subscribed and Sworn to before me on the 26<sup>th</sup> day of October, year 2004

Notary Public

[Signature]



DIANNE HOUGH  
MY COMMISSION # DD 154631  
EXPIRES: December 6, 2006  
Bonded Thru Budget Notary Services

(stamp/seal)

Commission expires: 12/6/06

**APPELLANT'S AFFIDAVIT OF STANDING**  
(must be signed by each Appellant)

State of Florida                     )  
  )  
County of Miami-Dade            )

Before me the undersigned authority, personally appeared HOWARD F. SCOTT, ESQ. on behalf of the OJUS HOMEOWNERS ASSOCIATION, INC. (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☒ 1. Participation at the hearing
- ☐ 2. Original Applicant
- ☒ 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury, and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

OJUS HOMEOWNERS ASSOCIATION, INC.

*Lilian M. Blanco*  
Signature

*Howard F. Scott*  
By: \_\_\_\_\_  
Howard F. Scott, Esq.


Lilian M. Blanco  
Print Name

*[Signature]*  
Signature

JOHN ROYLE  
Print Name

Sworn to and subscribed before me on the 26<sup>th</sup> day of October, year 2004.

Appellant is personally known or has produced \_\_\_\_\_ as identification.

*Nivia Green*  
Notary  
Commission Stamp:  Nivia Green  
My Commission DD280164  
Expires January 11, 2008

**RESOLUTION NO. CZAB2-4-04**

**WHEREAS, BMS OJUS L.L.C.** had applied for the following:

- (1) RU-3M & IU-1 to IU-1

**REQUEST #1 ON PARCEL I**

- (2) RU-3M to BU-2

**REQUEST #2 ON PARCEL II**

**SUBJECT PROPERTY:** PARCEL I: The south 155' of Tract "A", SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 AND 2 L. TOMS' SUBDIVISION, Plat book 42, Page 56, less the west 115' and south 10' thereof and also less the external area of a 25' radius circular curve concave to the Northwest and being tangent to the east line of said Tract "A" and tangent to the north line of the south 10' of Tract "A". AND: PARCEL II: The north 155' of the south 310' of Tract "A", SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 AND 2 L. TOMS' SUBDIVISION, Plat book 42, Page 56, less the west 115' thereof.

**LOCATION:** The Northwest corner of N.E. 195 Street & West Dixie Highway, Miami-Dade County, Florida, and

**WHEREAS,** a public hearing of the Miami-Dade County Community Zoning Appeals Board 2 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

That said Property shall be developed substantially in accordance with the plans previously submitted, entitled "Proposed Self Storage Facility for BMS Ojus, LLC" prepared by Blitstein Design Associates, consisting of ten (10) sheets, dated stamped received August 9, 2004, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.

**WHEREAS,** this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

**WHEREAS,** upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary changes to IU-1 on parcel I

(Item #1) and BU-2 on parcel II (Item #2) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

*WHEREAS*, a motion to accept the proffered Declaration of Restrictions and to approve Items #1 & 2 was offered by Peggy A. Stroker, seconded by William C. Koppel, and upon a poll of the members present the vote was as follows:

Charles Baron	nay	William C. Koppel	aye
Kenneth Friedman	aye	Anita J. Pittman	nay
Patrick J. Gannon Jr.	aye	Peggy A. Stroker	aye

Adrienne F. Promoff	aye
---------------------	-----

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 2, that the requested district boundary changes to IU-1 on parcel I (Item #1) and BU-2 on parcel II (Item #2) be and the same are hereby approved and said property is hereby zoned accordingly.

*BE IT FURTHER RESOLVED* that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

*PASSED AND ADOPTED* this 5<sup>th</sup> day of October, 2004.

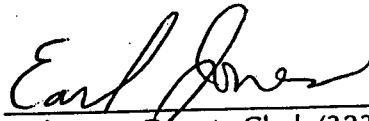
Hearing No. 04-10-CZ2-2  
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

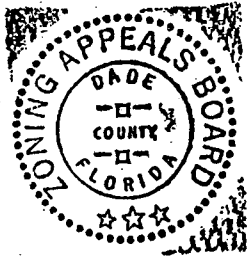
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 2, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB8-4-04 adopted by said Community Zoning Appeals Board at its meeting held on the 5<sup>th</sup> day of October, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 19<sup>th</sup> day of October, 2004.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL



DATE: 01/27/05

# TEAM METRO

## ENFORCEMENT HISTORY

BMS OJUS LLC

THE NORTHWEST CORNER OF N.E.  
195 STREET & WEST DIXIE  
HIGHWAY, MIAMI-DADE COUNTY,  
FLORIDA.

---

APPLICANT

---

ADDRESS

Z2004000067

---

HEARING NUMBER

## CURRENT ENFORCEMENT HISTORY:

No violation record found.







# Miami-Dade Police Department

## Zoning Hearing Report - Dispatch Information

### For 2003 and 2004



Miami-Dade Police Department

Detail Filter: ( Dis.Complaint Date >= FirstDate and Dis.Complaint Date < LastDate ) and ( Dis.Grid in ( "0137", "2409" ) ) and ( ( Dis.Signal Code in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) or ( 'ALL' in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) ) ) and Common

		2003		2004
Grid	Signal Code	Signal Description		
0137	13	SPECIAL INFORMATION/ASSIGNMENT		90 150
	14	CONDUCT INVESTIGATION		118 167
	15	MEET AN OFFICER		416 524
	16	D.U.I.		1 1
	17	TRAFFIC ACCIDENT		60 65
	18	HIT AND RUN		10 7
	19	TRAFFIC STOP		30 106
	20	TRAFFIC DETAIL		23 86
	21	LOST OR STOLEN TAG		1 7
	22	AUTO THEFT		11 5
	25	BURGLAR ALARM RINGING		80 53
	26	BURGLARY		36 37
	27	LARCENY		13 23
	28	VANDALISM		8 15
	29	ROBBERY		1 2
	32	ASSAULT		37 41
	34	DISTURBANCE		103 144
	35	INTOXICATED PERSON - MYERS ACT		0 1
	36	MISSING PERSON		10 4
	37	SUSPICIOUS VEHICLE		14 18
	38	SUSPICIOUS PERSON		17 15
	39	PRISONER		4 11
	41	SICK OR INJURED PERSON		15 22
	43	BAKER ACT		4 2
	44	ATTEMPTED SUICIDE		2 2
	45	DEAD ON ARRIVAL		2 3



# Miami-Dade Police Department

## Zoning Hearing Report - Dispatch Information

### For 2003 and 2004



Miami-Dade Police Department

Detail Filter: ( Dis.Complaint Date >= FirstDate and Dis.Complaint Date < LastDate ) and ( Dis.Grid in ( "0137", "2409" ) ) and ( ( Dis.Signal Code in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) or ( 'ALL' in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) ) ) and Common

		2003	2004	
Grid	Signal Code	Signal Description		
0137	47	BOMB OR EXPLOSIVE ALERT	1	0
	49	FIRE	2	3
	52	NARCOTICS INVESTIGATION	3	8
	54	FRAUD	4	5
Total Signals for Grid 0137 :			1,116	1,527



**MIAMI-DADE POLICE DEPARTMENT**  
**Zoning Hearing Report Part I and Part II Crimes w/o AOA**  
**For Specific Grids**  
**For 2003 and 2004**



Miami-Dade Police Department

Grid(s): 0137, 2409

2003 2004

Grid 0137					
Part I					
130A		AGGRAVATED ASSAULT		7	7
2200		BURGLARY		16	15
2400		MOTOR VEHICLE THEFT		5	3
1200		ROBBERY		1	1
230G		SHOPLIFTING ALL OTHERS		5	16
230F		SHOPLIFTING FROM A MOTOR VEHICLE		6	11
Part I TOTAL				40	53
Part II					
2000		ARSON		1	0
260B		FRAUD CREDIT CARD/ATM		2	0
350B		ILLEGAL DRUG EQUIPMENT		0	1
350A		NARCOTIC BUY/SELL/POSS/IMPORT/MANUF		2	4
130B		SIMPLE ASSAULT		10	8
Part II TOTAL				15	13
Grid 0137 TOTAL				55	66

## DISCLOSURE OF INTEREST\*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: BMS Ojus, LLC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Victor Brown</u>	<u>33.33</u>
<u>5901 S.W. 74 Street, Suite 205</u>	
<u>South Miami, Florida 33143</u>	
<u>David Brown</u>	<u>33.33</u>
<u>5901 S.W. 74 Street, Suite 205</u>	
<u>South Miami, Florida 33143</u>	
<u>Steven Brown</u>	<u>33.33</u>
<u>5901 S.W. 74 Street, Suite 205</u>	
<u>South Miami, Florida 33143</u>	

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**RECEIVED**  
204-67  
AUG 09 2004

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

If there is a **CONTRACT FOR PURCHASE** by a corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: \_\_\_\_\_

<u>NAME ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RECEIVED**  
204-67  
AUG 09 2004  
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in his application to the best of my knowledge and belief.

Signature: *[Signature]*  
(Applicant)

Sworn to and subscribed before me this 5 day of Aug, 2004. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

*Kathleen K. Jones*  
(Notary Public)



Kathleen K. Jones  
My Commission DD255274  
Expires November 30, 2007

My commission expires 11/30/07

\*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or a other country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five percent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership corporation or trust.

**2. BMS OJUS LLC**  
**(Applicant)**

**04-10-CZ2-2 (04-67)**  
**Area 2/District 4**  
**Hearing Date: 10/5/04**

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ / lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☒

Disclosure of interest form attached? Yes ☒ No ☐

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1966	Moirot	- Special exception expansion of trailer park. - Variance of wall height requirement.	CZAB-2	Approved w/conds.
1979	Roger Norot	- Special exception and unusual use to permit expansion of existing trailer park. - Non-use variance of lot size.	CZAB-2	Approved
1988	Roger L. Noirot	- Unusual use and special exception to expand existing trailer park. . . - Special exception and Non-use variance.	CZAB-2	Approved w/conds.

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 2**

**APPLICANT:** BMS Ojus LLC

**PH:** Z04-067 (04-10-CZ2-2)

**SECTION:** 03-52-42

**DATE:** October 5, 2004

**COMMISSION DISTRICT:** 4

**ITEM NO.:** 2

=====

**A. INTRODUCTION**

o **REQUESTS:**

(1) RU-3M & IU-1 to IU-1

REQUEST #1 ON PARCEL I

(2) RU-3M to BU-2

REQUEST #2 ON PARCEL II

o **SUMMARY OF REQUESTS:**

The requests will allow the applicant to change the zoning on parcel I of the subject property from RU-3M, Minimum Apartment House District & IU-1, Industrial, Light Manufacturing District, to IU-1, Industrial, Light Manufacturing District, and from RU-3M, Minimum Apartment House District, to BU-2, Special Business District on parcel II of the subject property.

o **LOCATION:**

The northeast corner of N.E. 195 Street and West Dixie Highway, Miami-Dade County, Florida.

o **SIZE:** 2.57 Acres

o **IMPACT:**

The rezoning of the property would allow the applicant to provide light industrial, business and office uses where otherwise not permitted. However, the rezoning will increase traffic in the area.

**B. ZONING HEARINGS HISTORY:**

Resolution 3060, passed and adopted by the Board of County Commissioners on December 14, 1948, approved, among others, a zone change from RU-1 to RU-3B on a larger tract of land of which the subject property is a part and parcel. Resolution 3-ZAB-25-66 approved with conditions, a special exception to permit the expansion of an existing trailer park by the addition of four trailer spaces, and denied a variance of zoning regulations to waive the required 25' buffer around trailer parks, on the West Dixie Highway side of the site. Resolution 4-ZAB-470-79 approved with conditions, a special exception and an unusual use to permit the expansion of an existing trailer park onto



additional property to the west. Resolution 4-ZAB-35-88 approved with conditions, an unusual use and a special exception to permit the expansion of an existing trailer park with a 17-space recreational vehicle facility, a special exception and non-use variance to permit the expansion of an existing trailer park by the addition of one trailer space with less area than required, an unusual use and a special exception to permit the expansion of an existing trailer park by the addition of four temporary recreational vehicle storage spaces, the modification of the plans approved pursuant to Resolutions 3-ZAB-25-66 and 4-ZAB-470-79 in order to submit revised plans, for a larger parcel of land of which the subject site is a part and parcel.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

The Adopted 2005 and 2015 Land Use Plan designates the northern one-half of the subject property as being within the Urban Development Boundary for **business and office**.

This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and profession offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code.

The Adopted 2005 and 2015 Land Use Plan designates the southern one-half of the subject property as being within the Urban Development Boundary for **industrial and office**.

Industries, manufacturing operations, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. Limited commercial uses to serve the firms and workers in the industrial and office area are encouraged, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Free-standing retail and personal service uses and shopping centers that are approved in industrial and office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses

may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources (Land Use Element, pg. I-33).

**D. NEIGHBORHOOD CHARACTERISTICS:**

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
RU-3M & IU-1; trailer park	Business and Office on the northern one-half and Industrial and Office on the southern one-half (per CDMP amendment 03-244)
<u>Surrounding Property:</u>	
NORTH: RU-3M; trailer park	Residential, 5 to 13 dua
SOUTH: IU-1; warehouse building	Industrial and Office
EAST: B-2; City of Aventura office bldg.	Business and Office
WEST: RU-3M; trailer park	Residential, 5 to 13 dua

The subject parcel is located in the Ojus area of Miami-Dade County. Trailer parks, industrial uses, office buildings and single-family residences characterize the area where the subject property lies.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	
Scale/Utilization of Site:	Acceptable
Location of Buildings:	Acceptable
Compatibility:	Acceptable
Landscape Treatment:	Acceptable
Open Space:	Acceptable
Buffering:	Acceptable
Access:	Acceptable
Parking Layout/Circulation:	Acceptable
Visibility/Visual Screening:	Acceptable
Energy Considerations:	N/A
Roof Installations	N/A
Service Areas:	Acceptable
Signage:	N/A
Urban Design:	Acceptable

**F. PERTINENT REQUIREMENTS/STANDARDS:**

The Board shall hear and grant or deny applications for **district boundary changes** taking into consideration that same must be consistent with the CDMP, with applicable area or neighborhood studies or plans, and would serve a public benefit. The Board shall take into consideration if the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities, including mass transit, roads, streets, and highways or other necessary public facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, street or highways.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDTA	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

**H. ANALYSIS:**

This application will allow the applicant to rezone the northern one-half of the subject property from RU-3M, Minimum Apartment House District, to BU-2, Special Business District, and the southern one-half from RU-3M, Minimum Apartment House District, to IU-1, Light, Industrial Manufacturing District. The applicant is not requesting variances of the IU-1 or the BU-2 zoning districts, and as such, will meet all underlying district requirements. The applicant has submitted plans showing the development of the southern one-half of the site with a self-service storage facility.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. The **Public Works Department** has **no objections** to this application and indicates that this project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.

The subject site is approximately 2.57-acres in size, zoned RU-3M, Minimum Apartment House District. Staff notes that the Board of County Commissioners (BCC) approved a Small-Scale Comprehensive Development Master Plan (CDMP) amendment application regarding a change of the property's land use designation. CDMP Amendment application 03-244, approved on November 5, 2003, designated the north one-half of the

site for Business and Office use and the south one-half of the site for Industrial and Office use on the Land Use Plan (LUP) map. As such, the zone changes to BU-2 on the north one-half and IU-1 on the south one-half of the property would be **consistent** with the Land Use Plan (LUP) map's designation.

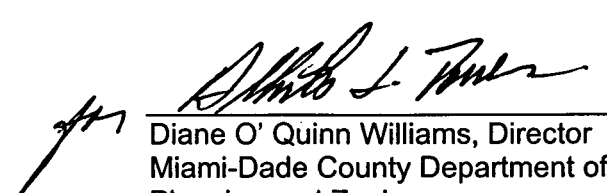
As previously mentioned, the applicant has submitted plans showing the development of the south one-half of the site (the industrial and office designated portion proposed to be rezoned to IU-1) with a 5-story, self-service storage facility. No plans were submitted for the development of the (business and office designated) north one-half of the site proposed to be rezoned to BU-2. The Department's Community Planning Section has completed an Ojus Charrette Report (OCR) for the area in which the subject property is located. The Ojus Charrette, at this point, is vision and a guideline for the future development of the area. Staff notes that the applicant has attempted to conform to the general intent of the Ojus Charrette by moving the building forward, relocating parking areas to the side, and adding aesthetic treatments to the facades to more closely conform to the urban elements of the Ojus Charrette. Additionally, the applicant has submitted line-of-sight documentation indicating that the town house project proposed for the adjoining RU-3M-zoned property to the west of the subject site will buffer the view of the proposed self-storage facility from the existing single-family residences to the west. Further, the applicant intends to proffer a covenant tying the requested IU-1 portion of the subject property to the site plan indicating the adoption of all of the aforementioned urban design considerations. Staff is of the opinion that the proposed self-service facility would be **compatible** with the future development of this area.

Staff is supportive of the requested zone changes. The proposed district boundary changes to BU-2 and IU-1 would be consistent with the LUP map designations and would not efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities, including mass transit, roads, streets, and highways or other necessary public facilities which have been constructed or planned and budgeted for construction in the area. Therefore, staff recommends approval of request # 1, subject to the Board's acceptance of the proffered covenant, and approval of request # 2.

I. **RECOMMENDATION:** Approval of request # 1, subject to the Board's acceptance of the proffered covenant, and approval of request # 2.

J. **CONDITIONS:** None.

DATE INSPECTED: 03/22/04  
DATE TYPED: 06/09/04  
DATE REVISED: 08/10/04  
DATE FINALIZED: 08/20/04  
DO'QW:AJT:MTF:TLR



Diane O'Quinn Williams, Director  
Miami-Dade County Department of  
Planning and Zoning



# MEMORANDUM



TO: Diane O' Quinn-Williams, Director  
Department of Planning and Zoning

DATE: April 6, 2004

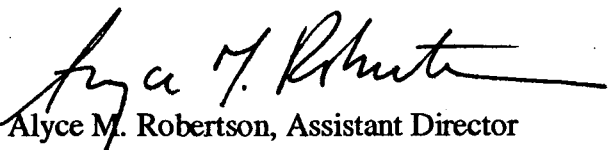
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APR 19 2004

MIAMI-DADE COUNTY  
DIRECTOR'S OFFICE  
DEPT. OF PLANNING & ZONING

SUBJECT: C-02 #Z2004000067

Trinity Properties of Aventura, Inc.  
NW corner of NE 195<sup>th</sup> Street & West  
Dixie Highway  
DBC from RU-3M to IU-1 on Parcel I  
DBC from RU-3M to BU-2 on Parcel II  
(RU-3M) (1.24 Ac.)  
03-52-42

FROM:   
Alyce M. Robertson, Assistant Director  
Environmental Resources Management

DERM has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of the Miami-Dade County, Florida. Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Supply and Wastewater Disposal:

Public water and public sanitary sewers can be made available to this property. Therefore, DERM will require connection to the public water supply and public sanitary sewer systems.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management:

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year storm event with full on-site retention of the 25-year/3 day storm. Pollution Control devices shall be required at all drainage inlet structures.

A Standard General Environmental Resource Permit from DERM shall be required for the construction and operation of the required surface water management system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service standards for flood protection set forth in the Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Hazardous Materials:

Due to nature of uses allowed in the proposed zoning classifications, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning districts. The applicant is advised to contact the DERM Industrial Facilities Section concerning required management practices.

Fuel Storage Facilities:

Section 24-12.2 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The Storage Tank Section of DERM should be contacted for permitting requirements in this regard, if any fuel storage facility is requested.

Operating Permits:

Section 24-35.1 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant should be advised that due to the nature of some land uses permitted under the proposed zoning classifications, operating permits from DERM might be required. It is therefore suggested that the applicant contact DERM concerning operating requirements.

Pollution Remediation:

The referenced site is not currently or historically permitted with DERM and there are no records of current or historical contamination assessment/remediation issues on the property. A search within 500' of the property identified the following site with records of current or historical contamination assessment/remediation issues:

Walker Graphics  
19401 W Dixie Hwy.  
UT-2788

Petroleum contaminated site. Currently in a state administered cleanup program.

Be advised that solid waste sites were not identified within a ½ mile radius of the site.

Air Pollution:

This project involves the demolition of an existing mobile home park. The applicant is advised that the site must be inspected for asbestos and a notification for demolition must be filed with the DERM Air Facilities Section prior to start of demolition activities. Fugitive dust emissions should be minimized during all construction phases.

Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Tree Preservation:

Section 24-60 of the Code requires the preservation of tree resources. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. The applicant is advised to contact DERM staff for permitting procedures and requirements.

Enforcement History:

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation- P&Z  
Ron Connally, Zoning Hearings- P&Z  
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PH# Z2004000067  
CZAB - C02

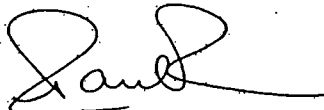
**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: TRINITY PROPERTIES OF AVENTURA

This Department has no objections to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.



Raul A Pino, P.L.S.

08-JUL-04





C-02

**MIAMI-DADE FIRE RESCUE**  
**Planning & Capital Improvements Bureau**  
**ZONING COMMENTS**

Hearing Number: 204-067 Rev#1

Plans: ☒ Yes ☐ No Request: \_\_\_\_\_

Location: \_\_\_\_\_

Recommendation: Approved \_\_\_\_\_  
Approved with conditions \_\_\_\_\_  
Approved with no change from previous submittal ☒  
Denial \_\_\_\_\_  
Defer to DIC comments \_\_\_\_\_

\* \_\_\_\_\_  
\_\_\_\_\_

Estimated number of alarms generated annually by application: \_\_\_\_\_

If there is an impact, below is the service availability:

Station District \_\_\_\_\_ Grid \_\_\_\_\_ DU/SF \_\_\_\_\_ Occupancy Type \_\_\_\_\_

Impact of additional calls on closest station: ☐ No Impact  
☒ Minimal Impact  
☐ Moderate Impact  
☐ Severe Impact

Planned Service to Mitigate:

Service	Location	Year to be Completed
_____	_____	_____

☒ None

**THIS REVIEW IS FOR SERVICE IMPACT AND SERVICE AVAILABILITY ONLY AND DOES NOT CONSTITUTE NOR IMPLY SITE PLAN APPROVAL.**

**ALL SITE PLANS MUST BE REVIEWED AND APPROVED BY THE MIAMI-DADE FIRE RESCUE FIRE WATER & ENGINEERING BUREAU LOCATED AT 11805 SW 26 ST. BASED UPON THAT REVIEW, SITE PLANS MAY NEED MODIFICATION TO COMPLY WITH LIFE-SAFETY STANDARDS.**

Reviewed by: K. Lyon  
Kathryn Lyon

Phone: (786) 331-4546

Date: 5-14-04  
Revised 3/9/04 BJM

# **TEAM METRO NORTHEAST OFFICE**

## **ENFORCEMENT HISTORY**

TRINITY PROPERTIES OF  
ADVENTURA  
\_\_\_\_\_  
**APPLICANT**

NWC-NE 195 ST & WD-HWY,  
Miami-Dade County, Florida  
\_\_\_\_\_  
**ADDRESS**

10/05/2004  
\_\_\_\_\_  
**DATE**

04-67  
\_\_\_\_\_  
**HEARING NUMBER**

### **CURRENT ENFORCEMENT HISTORY:**

August 4, 2004

No violation exist.

### DISCLOSURE OF INTEREST\*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: BMS Ojus, LLC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Victor Brown</u>	<u>33.33</u>
<u>5901 S.W. 74 Street, Suite 205</u>	
<u>South Miami, Florida 33143</u>	
<u>David Brown</u>	<u>33.33</u>
<u>5901 S.W. 74 Street, Suite 205</u>	
<u>South Miami, Florida 33143</u>	
<u>Steven Brown</u>	<u>33.33</u>
<u>5901 S.W. 74 Street, Suite 205</u>	
<u>South Miami, Florida 33143</u>	

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY [Signature]



Proposed Self Storage Facility  
for

**BMS Ojus LLC**

West Dixie Highway & NE 195th Street  
Miami, Florida

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ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT

BY *[Signature]*

*Revision #2*

**INDEX OF DRAWINGS**

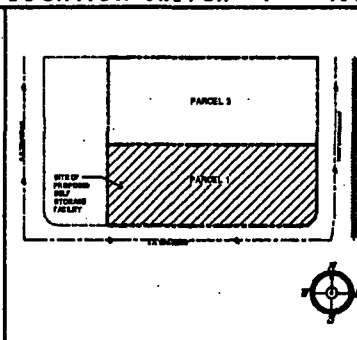
**ARCHITECTURAL**

- 1.1 SITE PLAN
- 1.2 FIRST FLOOR PLAN
- 1.3 SECOND & THIRD FLOOR PLAN
- 1.4 FOURTH FLOOR PLAN
- 1.5 FIFTH FLOOR PLAN
- 1.6 EXTERIOR ELEVATIONS
- 1.7 EXTERIOR ELEVATIONS
- 1.8 ROOF PLAN

**LANDSCAPE**

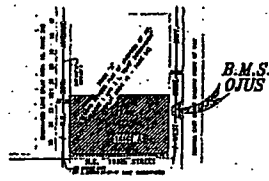
- 2.1 PLANTING PLAN
- 2.2 PLANTING NOTES & DETAILS

**LOCATION SKETCH 1" = 100'**



BLITSTEIN DESIGN ASSOCIATES • ARCHITECTS 285 SEVILLA AVENUE CORAL GABLES, FLORIDA 33134

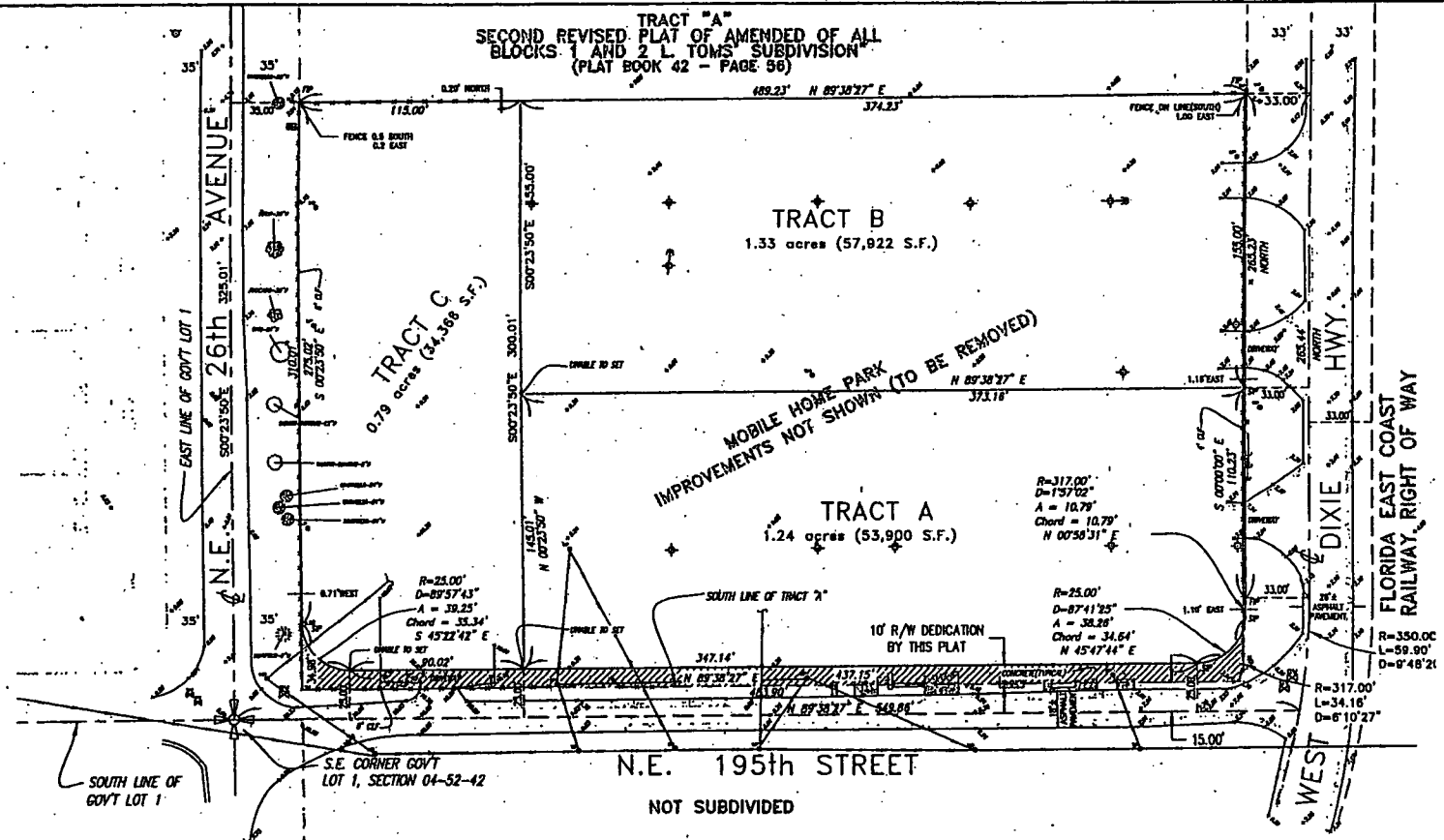
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02/01/04



PORTION OF THE A.R. 1/A, SECTION 03-52-42  
LOCATION MAP  
SCALE 1" = 300'

- LEGEND:**
- DENOTES EXISTING ELEVATION
  - DENOTES WATER VALVE
  - DENOTES WATER METER
  - DENOTES FIRE HYDRANT
  - DENOTES ANCHOR
  - DENOTES GAS VALVE
  - DENOTES WOOD POLE
  - DENOTES LIGHT POLE
  - DENOTES CONCRETE POWER POLE
  - DENOTES CHAIN LINK FENCE
  - DENOTES OVERHEAD WIRE
  - DENOTES CENTER LINE
  - (M) DENOTES MEASURED
  - (R) DENOTES RECORD
  - SP DENOTES SET 1/2" IRON PIPE (LAMP)
  - FP DENOTES FOUND 1/2" IRON PIPE
  - R DENOTES RADIUS
  - A DENOTES ARC LENGTH
  - D DENOTES DELTA OF CURVE
  - DENOTES EXISTING CONCRETE
  - DENOTES EXISTING ASPHALT

- NOTES:**
- 1) BEARINGS SHOWN HEREON REFER TO AN ASSIGNED NORTH ALONG THE CENTER LINE OF WEST COAST HIGHWAY.
  - 2) LEGAL DESCRIPTION SHOWN HEREON WAS PROVIDED BY CLIENT.
  - 3) NET AREA = 3.3564 ACRES
  - 4) UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTINGS AND/OR FOUNDATIONS.
  - 5) PREPARED FOR: BILLS.
  - 6) THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE ATTACHED CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTIES.
  - 7) "Y" SHOWN HEREON FALLS WITHIN FEDERAL FLOOD ZONE "Y". FLOOD COORDINATE PANEL NO. 120635 0004 4, DATED MARCH 2, 1994.
  - 8) ALL INDICATORS OF UTILITIES ARE SHOWN HEREON, HOWEVER, NO ATTEMPT HAS BEEN MADE TO LOCATE UNDERGROUND ITEMS.
  - 9) DISTANCES ALONG BOUNDARY OF SUBJECT PROPERTY ARE RECORDED AND MEASURED UNLESS OTHERWISE STATED.
  - 10) THIS SURVEY IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY THAT WOULD BE REFLECTED ON A SEARCH OF TITLE OF THE SUBJECT LANDS.
  - 11) ELEVATIONS SHOWN HEREON RELATE TO NATIONAL GEODETIC VERTICAL DATUM, N.G.V.D., 1929.
  - 12) BENCHMARKS:
    - a) B.M. #1 = (N-3105) PK. NAIL AND BRASS WASHER IN CONCRETE SIDEWALK. ELEVATION = 8.11  
NE 195 ST --- 57' NORTH OF CENTER LINE  
NE 25 AVE --- 27' WEST OF CENTER LINE
    - b) B.M. #2 = (N-4112) PK. NAIL AND BRASS WASHER IN SOUTH END OF CATCH BASIN. ELEVATION = 8.04  
FLA HWY (FEDERAL LEHIGH CANYON) --- 433.3' NORTH OF CENTER LINE  
US HWY (DECE BLVD) --- 1.6' WEST OF WEST EDGE OF PAVEMENT



**DEVELOPMENT INFORMATION:**

**OWNER:**  
TRINITY PROPERTIES OF AVENTURA, INC. A FLORIDA CORPORATION  
2901 CLINT MOORE RD., SUITE 310  
BOCA RATON, FLORIDA 33434  
C/O BSA MANAGEMENT  
5901 S.W. 74TH STREET SUITE #200  
MIAMI, FL 33143  
PHONE NO. 305-683-8883

**UTILITIES:** SEWER, WATER AND SEWER AUTHORITY DEPARTMENT

**DADE COUNTY FLOOD CRITERIA:** 6.0' PER PG 100, PG 10

**WORKING:** 80-50

**PROPOSED (S) USE:**

TRACT "A" STORAGE 110,000 S.F.

TRACT "B" RETAIL 30,000 S.F.

TRACT "C" MULTIPLE FAMILY APARTMENT BLDG (11 UNITS)

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**ZONING HEARINGS SECTION**  
**MIAMI-DADE PLANNING AND ZONING DEPT.**

BY *[Signature]*

I HEREBY CERTIFY THAT THE ATTACHED TENTATIVE PLAT OF THE PROPERTY DESCRIBED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED AND DRAWN UNDER MY SUPERVISION AND DIRECTION. THIS SURVEY COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 61017-6, FLORIDA ADMINISTRATIVE CODE.

**SCHWEBKE-SHISHIN & ASSOCIATES, INC.**  
Robert F. Jackson, President  
Professional Surveyor and Mapper #2408  
State of Florida

**TENTATIVE PLAT**

**B.M.S. OJUS**

The South 310 feet of TRACT "A", SECOND REVISED PLAT of AMENDED PLAT of all of BLOCKS 1 and 2 L. TOMS' SUBDIVISION, according to the plat thereof, as recorded in Plat Book 42 at Page 56, of the Public Records of Dade County, Florida.

**SECTION 03-52-42 MIAMI-DADE COUNTY, FLORIDA**

REVISIONS		
Date	Remarks	By

This is a "Boundary Survey"

NOTE: Authorize copies of this drawing will bear the red seal of the individual Professional Land Surveyor or Professional Engineer.

**Schwebke-Shishin & Associates, Inc.**  
LAND PLANNERS • ENGINEERS • LAND SURVEYORS (LBS&S)  
2401 CORPORATE WAY • MIAMI, FLORIDA • 33156  
TEL. (305) 461-7110 • FAX (305) 461-7111 • FAX (305) 461-7112

**ROBERT F. JACKSON, PRESIDENT**  
Registered Land Surveyor No. 2408, State of Florida  
Registered Engineer No. 2408, State of Florida

Survey No. S.A.C. 12/04/04  
Order No. 12/04/04  
Fees: \$1,000.00  
Date: 12/04/04  
Scale: 1" = 80'

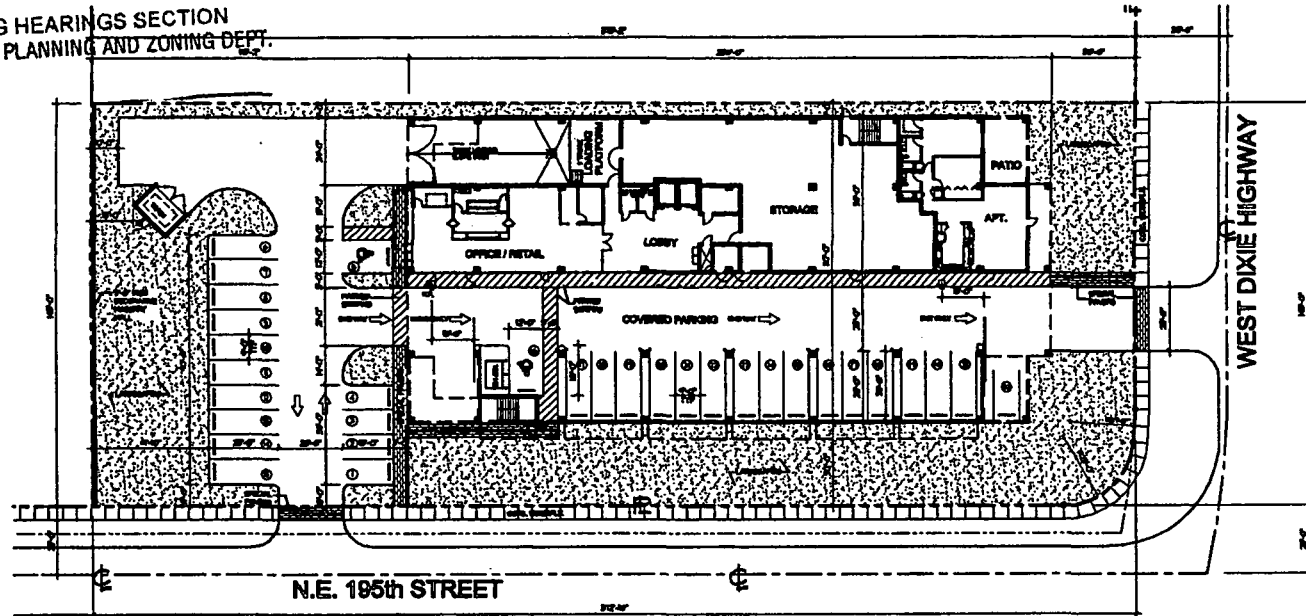
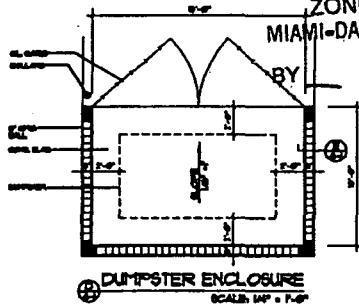
Drawn By: R.F.J.  
Checked By: R.F.J.  
Date: 12/04/04  
Sheet No. 1 of 1 Sheet

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AUG 12 2004

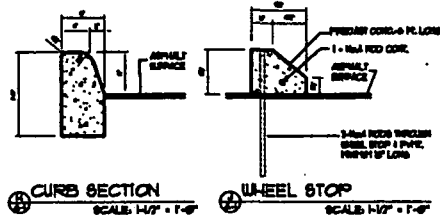
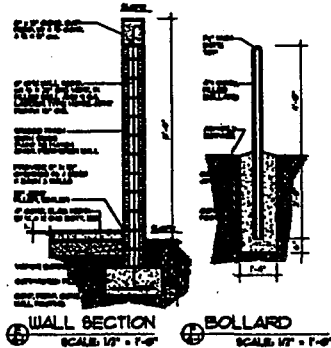
*Clarification*

17

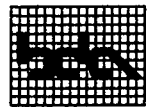
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.



**SITE PLAN**



SITE DATA				SITE DATA CONT.				LEGAL DESCRIPTION			
PROJECT NO.	104	DATE	7/20/04	OWNER	BMS OJUS L.L.C.	PROJECT NAME	WEST DIXIE HIGHWAY & NE 195th STREET	LEGAL DESCRIPTION	LOT 10, BLOCK 10, SUBDIVISION 10, CITY OF MIAMI, FLORIDA	LEGAL DESCRIPTION	LOT 10, BLOCK 10, SUBDIVISION 10, CITY OF MIAMI, FLORIDA
OWNER	BMS OJUS L.L.C.	DATE	7/20/04	PROJECT NAME	WEST DIXIE HIGHWAY & NE 195th STREET	LEGAL DESCRIPTION	LOT 10, BLOCK 10, SUBDIVISION 10, CITY OF MIAMI, FLORIDA	LEGAL DESCRIPTION	LOT 10, BLOCK 10, SUBDIVISION 10, CITY OF MIAMI, FLORIDA	LEGAL DESCRIPTION	LOT 10, BLOCK 10, SUBDIVISION 10, CITY OF MIAMI, FLORIDA
PROJECT NAME	WEST DIXIE HIGHWAY & NE 195th STREET	LEGAL DESCRIPTION	LOT 10, BLOCK 10, SUBDIVISION 10, CITY OF MIAMI, FLORIDA	LEGAL DESCRIPTION	LOT 10, BLOCK 10, SUBDIVISION 10, CITY OF MIAMI, FLORIDA	LEGAL DESCRIPTION	LOT 10, BLOCK 10, SUBDIVISION 10, CITY OF MIAMI, FLORIDA	LEGAL DESCRIPTION	LOT 10, BLOCK 10, SUBDIVISION 10, CITY OF MIAMI, FLORIDA	LEGAL DESCRIPTION	LOT 10, BLOCK 10, SUBDIVISION 10, CITY OF MIAMI, FLORIDA
LEGAL DESCRIPTION	LOT 10, BLOCK 10, SUBDIVISION 10, CITY OF MIAMI, FLORIDA	LEGAL DESCRIPTION	LOT 10, BLOCK 10, SUBDIVISION 10, CITY OF MIAMI, FLORIDA	LEGAL DESCRIPTION	LOT 10, BLOCK 10, SUBDIVISION 10, CITY OF MIAMI, FLORIDA	LEGAL DESCRIPTION	LOT 10, BLOCK 10, SUBDIVISION 10, CITY OF MIAMI, FLORIDA	LEGAL DESCRIPTION	LOT 10, BLOCK 10, SUBDIVISION 10, CITY OF MIAMI, FLORIDA	LEGAL DESCRIPTION	LOT 10, BLOCK 10, SUBDIVISION 10, CITY OF MIAMI, FLORIDA



**BLITSTEIN  
DESIGN  
ASSOCIATES**  
Architecture  
Interior Design  
3833 South Avenue  
Coral Gables, FL 33134  
305-444-4433  
LIC. No. - AR0007078

**OWNER:**  
BMS  
OJUS L.L.C.  
5901 S.W. 74 ST.  
SUITE 205  
MIAMI, FL 33143

project name

**BMS  
OJUS**  
WEST DIXIE HIGHWAY  
& NE 195th STREET  
MIAMI, FLORIDA

project number

date 7/20/04

revision

drawn by

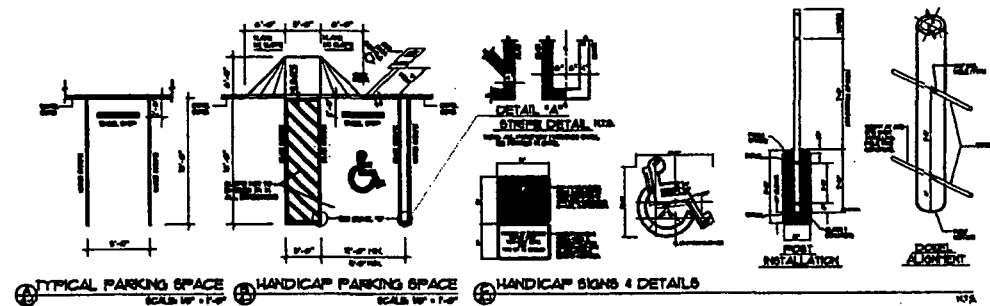
E.A.

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SITE PLAN

SCALE: AS SHOWN

sheet number



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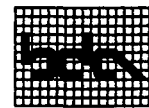
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

*[Handwritten signature and notes]*

Sheet title \_\_\_\_\_  
SITE PLAN  
SCALE: AS SHOWN  
Sheet number \_\_\_\_\_  
A-1  
6/2/04





**BLITSTEIN  
DESIGN  
ASSOCIATES**  
Architecture  
Interior Design  
283 South Avenue  
Coral Gables, FL 33134  
305 444-4433  
LIC. No. - AR0007870

**OWNER:**  
BMS  
OJUS L.L.C.  
6901 S.W. 74th St.  
SUITE 208  
MIAMI, FL. 33143

project name

**BMS  
OJUS**  
WEST DIXIE HIGHWAY  
& NE 19th STREET  
MIAMI, FLORIDA

project number

date  
1/26/04

revision

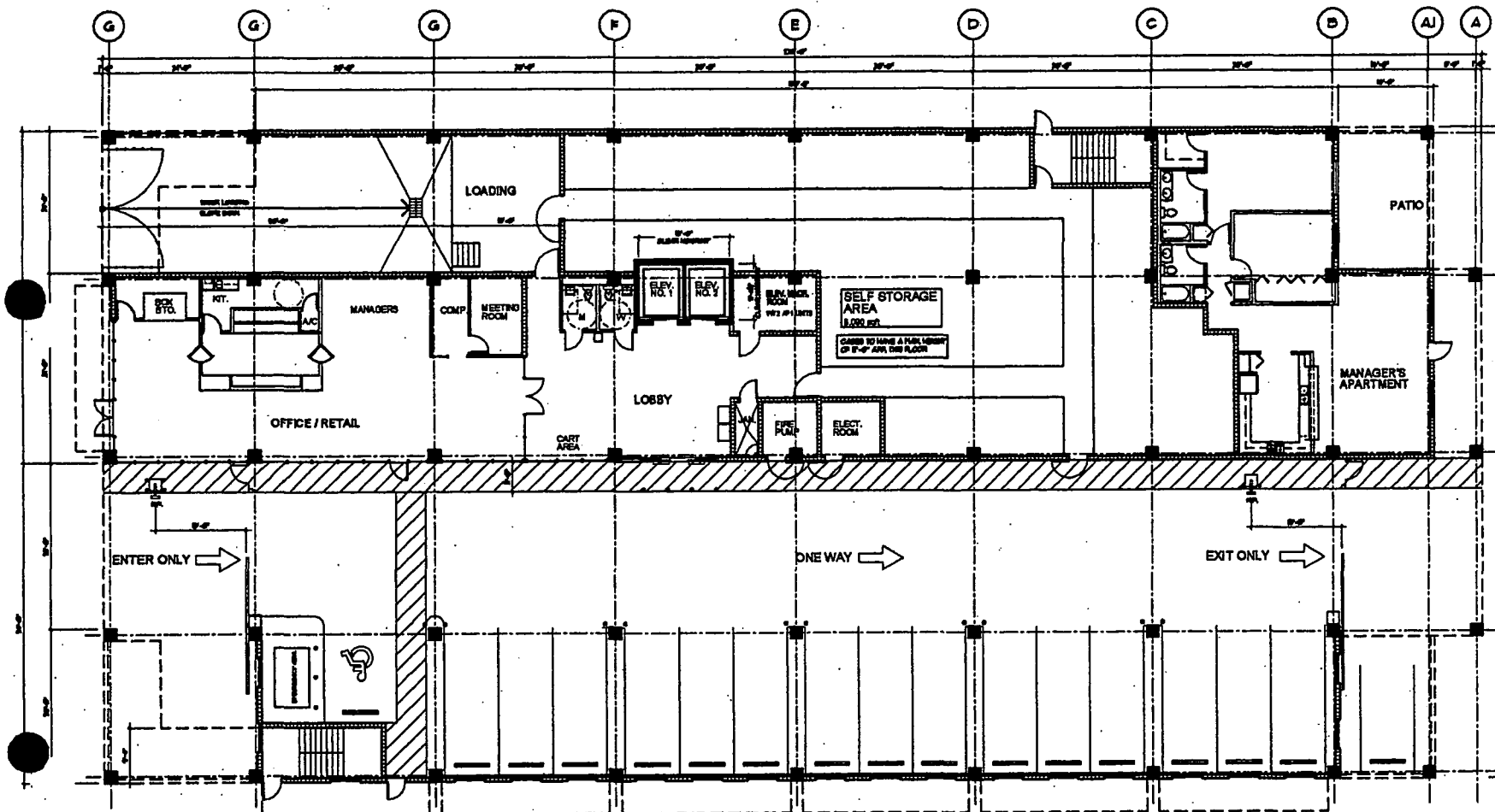
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S.A.

sheet title

**FIRST FLOOR  
PLAN**

SCALE: 1/8" = 1'-0"

sheet number



**FIRST FLOOR PLAN**

TOTAL FLOOR AREA = 19,871 sq/ft

**NOTES:**

- FIRE EXTINGUISHERS TO BE PROVIDED  
ALL IN FULLY CHARGED AND MAINTAINED  
FALL IN TO BE IN COMPLIANCE WITH CLOSED CABLE
- MANAGER'S OFFICE  
SHOWN IN RED CABINET  
TO BE TO THE NEXT CABINET TYPE
- MAX STORAGE UNIT SIZE IS 400 sq/ft

LEGEND			
SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
[Symbol]	STAIRS	[Symbol]	STAIRS
[Symbol]	STAIRS	[Symbol]	STAIRS
[Symbol]	STAIRS	[Symbol]	STAIRS
[Symbol]	STAIRS	[Symbol]	STAIRS
[Symbol]	STAIRS	[Symbol]	STAIRS
[Symbol]	STAIRS	[Symbol]	STAIRS
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MIAMI-DADE PLANNING AND ZONING DEPT.  
BY

Handwritten notes and signatures:  
#7570  
8/2/04  
[Signature]



**BLITSTEIN  
DESIGN  
ASSOCIATES**  
Architecture  
Interior Design  
285 Seville Avenue  
Coral Gables, FL 33134  
(305) 444-4433  
LIC. No. - AR0007670

**OWNER :**

**BMS  
OJUS L.L.C.**  
6801 S.W. 74th ST.  
SUITE 206  
MIAMI, FL 33143

PROJECT NAME	PROJECT NUMBER	PROJECT TYPE	PROJECT STATUS	PROJECT START DATE	PROJECT END DATE	PROJECT BUDGET	PROJECT ACTUAL COST	PROJECT VARIANCE	PROJECT RISK	PROJECT COMPLETION DATE	PROJECT COMPLETION PERCENTAGE	PROJECT COMPLETION STATUS
Project A	101	Construction	Completed	2020-01-01	2020-03-31	\$1,000,000	\$950,000	\$50,000	Low	2020-03-31	100%	Completed
Project B	102	Software Development	In Progress	2020-04-01	2020-06-30	\$500,000	\$480,000	\$20,000	Medium	2020-06-30	80%	In Progress
Project C	103	Marketing Campaign	On Hold	2020-07-01	2020-09-30	\$200,000	\$180,000	\$20,000	High	2020-09-30	0%	On Hold
Project D	104	Research & Development	Planned	2020-10-01	2021-03-31	\$300,000	\$0	\$300,000	Low	2021-03-31	0%	Planned
Project E	105	Infrastructure Upgrade	Completed	2021-04-01	2021-06-30	\$750,000	\$720,000	\$30,000	Medium	2021-06-30	100%	Completed
Project F	106	Software Development	In Progress	2021-07-01	2021-09-30	\$400,000	\$380,000	\$20,000	Medium	2021-09-30	70%	In Progress
Project G	107	Marketing Campaign	On Hold	2021-10-01	2021-12-31	\$150,000	\$130,000	\$20,000	High	2021-12-31	0%	On Hold
Project H	108	Research & Development	Planned	2022-01-01	2022-06-30	\$250,000	\$0	\$250,000	Low	2022-06-30	0%	Planned
Project I	109	Infrastructure Upgrade	Completed	2022-07-01	2022-09-30	\$600,000	\$580,000	\$20,000	Medium	2022-09-30	100%	Completed
Project J	110	Software Development	In Progress	2022-10-01	2022-12-31	\$350,000	\$330,000	\$20,000	Medium	2022-12-31	60%	In Progress

**BMS  
OJUS**

WEST DIXIE HIGHWAY  
& NE 195th STREET  
MIAMI, FLORIDA

project number

Date  
7/25/04

revised

Drawn by  
RA

1000 0000

4th  
FLOOR PLAN

SCALE: 1/8"=1'-0"

**FOURTH FLOOR PLAN**

## NOTES

- FIRE EXTINGUISHER TO BE PROVIDED  
ALL THE FLAME-GLASS COUNTY RESIDENTS  
CALL ME TO BE IN CABINETS SURFACE HTD. CLOSED CABIN.
- 24 HR. CABINET  
FOR THE HTD. CLOSED CABINET  
CABINETS NOT TO EXCEED  
10 FEET TO THE NEXT CABINET HTD.
- FLAM. SURFACE (NOT GLASS) IS 4000 WATT

SCALE: 10"=1'-0"

LEGEND		LEGEND	
SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
	Concrete		Water Hydrant
	Operating Hydrant with well		Fire Department's property
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RECEIVED  
204-67  
AUG 09 2004

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

A-4

**OWNER :**

PROJECT NAME

WEST DIXIE HIGHWAY  
& NE 190th STREET  
MIAMI, FLORIDA

project number

DATE

13/03/2014

drawn by  
LA

Street field

5th  
FLOOR PLAN

SCALE, LB-S 1-4

short numbers

**NOTES:**

- HAVE CONTRACTOR TO BE PROVIDED AS PER HART DUCK COUNTY REQUIREMENTS (CALL ME TO BE IN CABINET'S SERVICE MTD, CLOSED CAB).
- TO BE CABINET  
SCHEDULE WITH CLOSED CABINET  
CABINET MTD TO BE OPENED  
TO GO TO THE NEXT CABINET MTD.
- MAX STORAGE UNIT SIZE IS 400 MTD

[illegible]

RECEIVED  
704-67  
AUG 09 2004

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

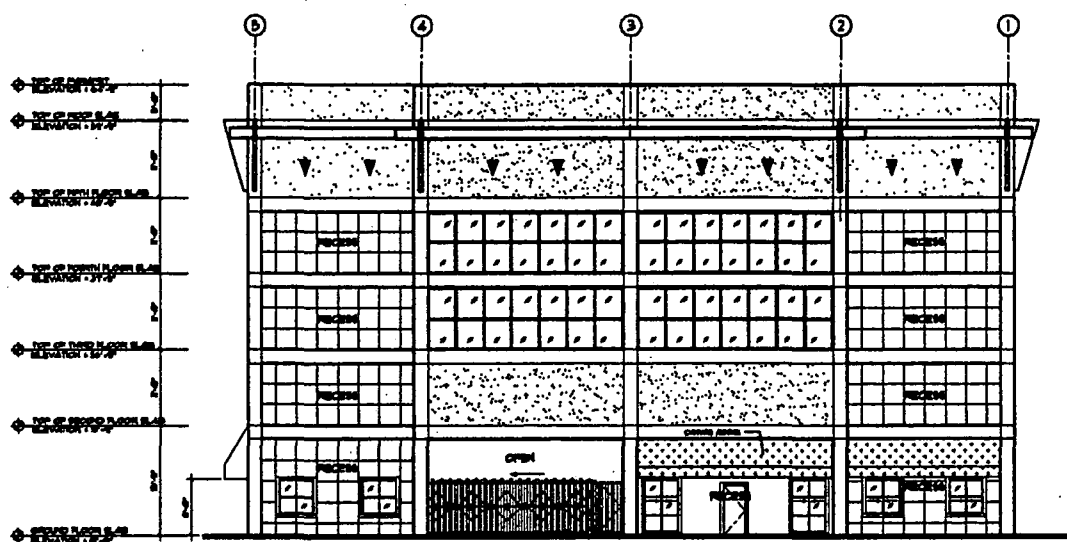
short numbers

4-5

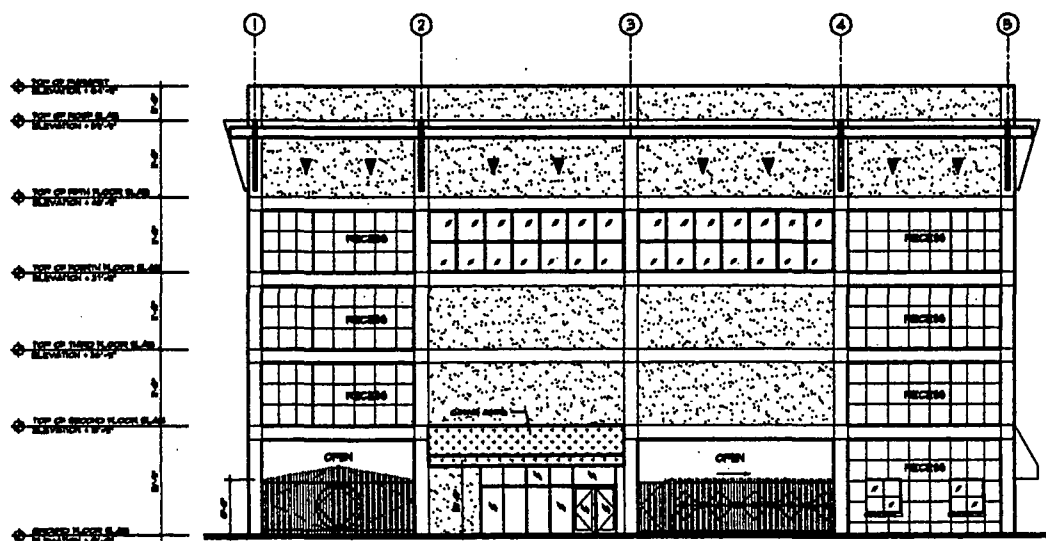


**BLUTSTEIN  
DESIGN  
ASSOCIATES**  
Architecture  
Interior Design  
283 South Avenue  
Coral Gables, FL 33134  
0000 444-4433  
LIC. No. - AR0007870

OWNER:  
BMS  
OJUS L.L.C.  
6901 S.W. 74 th. ST.  
SUITE 205  
MIAMI, FL. 33143



**WEST DIXIE HIGHWAY (EAST) ELEVATION**  
SCALE: 1/8" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

project name

BMS  
OJUS  
West Dixie Highway  
& NE 195th Street  
MIAMI, FLORIDA

project number

date  
7/28/04

revision

drawn by  
S.A.

sheet title

NORTH & EAST  
EXTERIOR  
ELEVATIONS

SCALE: 1/8" = 1'-0"

sheet number

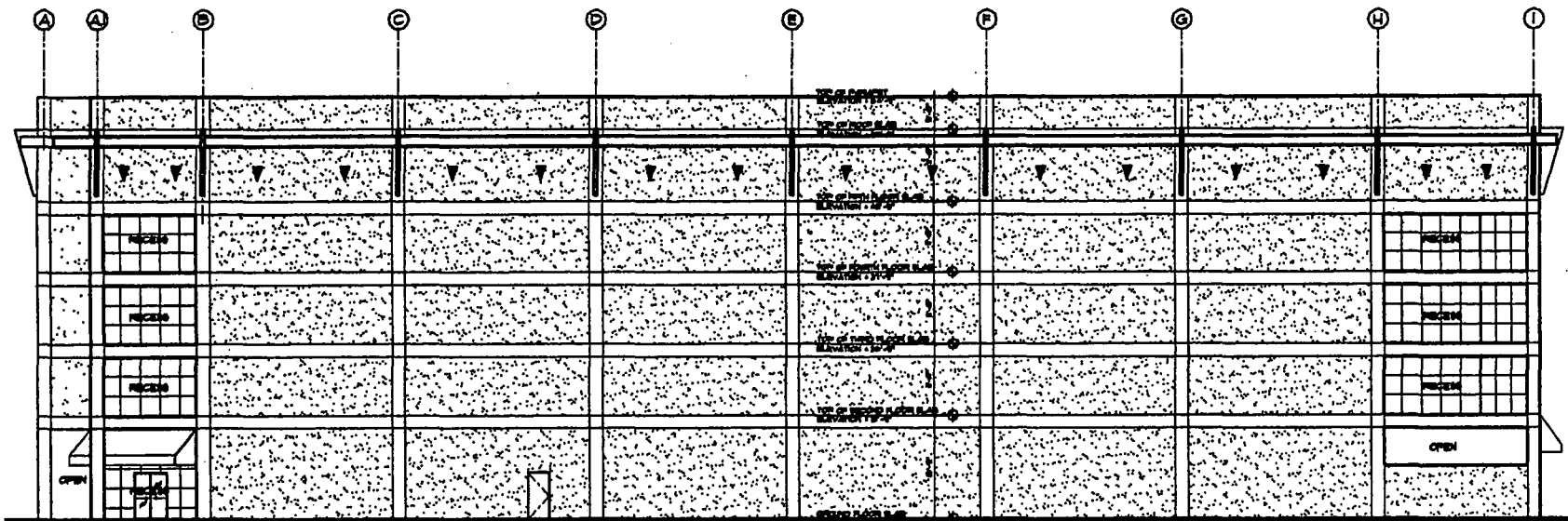
**RECEIVED**  
204-67  
AUG 09 2004

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *[Signature]*

A-6

*[Handwritten signature and date]*  
8/9/04



NORTH ELEVATION

SCALE: 1/8" = 1'-0"



**BLITSTEIN  
DESIGN  
ASSOCIATES**  
Architecture  
Interior Design  
208 South Avenue  
Coral Gables, FL 33134  
(305) 444-4433  
LIC. No. - AR0007670

OWNER:  
BMS  
OJUS L.L.C.  
5801 S.W. 74th ST.  
SUITE 205  
MIAMI, FL. 33143

project name

BMS  
OJUS  
West Dixie Highway  
& NE 190th Street  
MIAMI, FLORIDA

project number

date  
7/26/04

revision

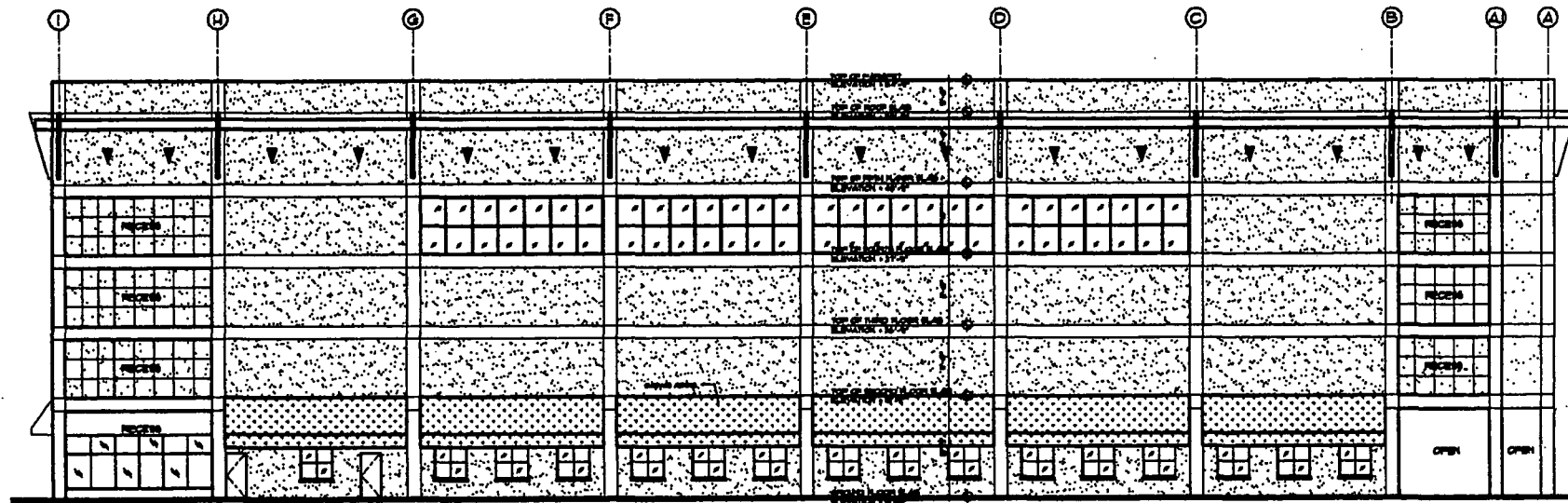
Drawn by  
BA

sheet title

NORTH & EAST  
EXTERIOR  
ELEVATIONS

SCALE: 1/8" = 1'-0"

sheet number



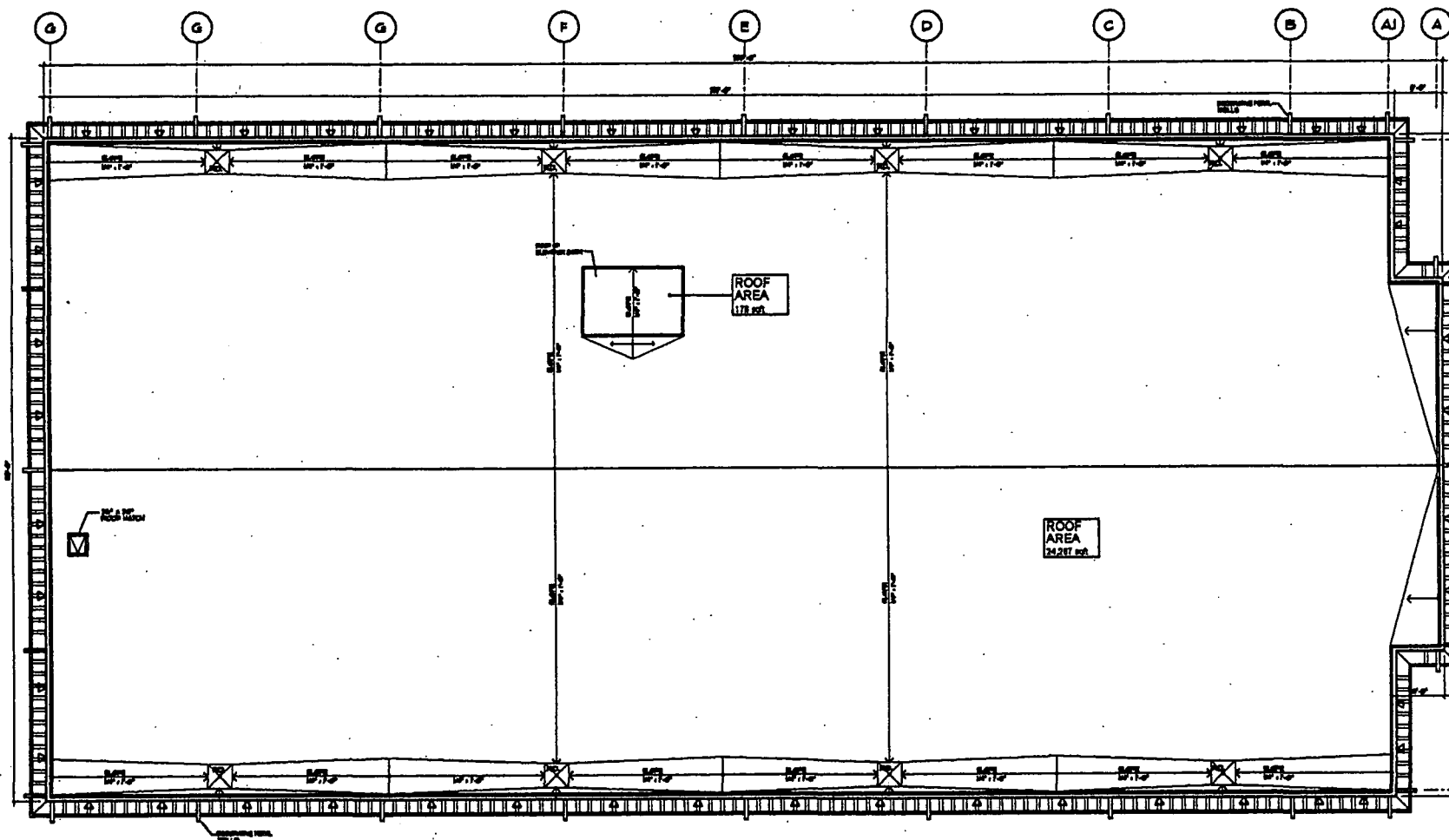
NE 195th STREET (SOUTH) ELEVATION

SCALE: 1/8" = 1'-0"

**RECEIVED**  
204-67  
AUG 03 2004

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

*[Handwritten signature]*  
#7570  
9/9/04



ROOF PLAN

SCALE 1/8" = 1'-0"



**BLITSTEIN  
DESIGN  
ASSOCIATES**  
Architectural  
Interior Design  
383 South Avenue  
Coral Gables, FL 33134  
305 444-4433  
LIC. No. - AR0007670

OWNER:  
**BMS  
OJUS L.L.C.**  
8901 S.W. 74 St.  
SUITE 205  
MIAMI, FL 33143

project name

**BMS  
OJUS**  
WEST DIXIE HIGHWAY  
& NE 190th STREET  
MIAMI, FLORIDA

project number

date  
1/28/04

revision

drawn by  
B.A.

sheet title

ROOF PLAN

SCALE 1/8" = 1'-0"

sheet number

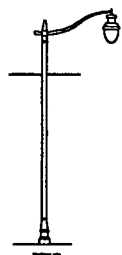
**RECEIVED**  
204-67  
AUG 09 2004

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *[Signature]*

*[Handwritten signature and notes]*  
9/2/04 #257

BY



- 12" x 18" PANEL
- FLAME-RETARDANT COMPOSITE PANEL
- 100% DANGER FREE
- TO BE PLACED AT APPROXIMATELY 10' - 12' OUT

LAWD CAPPE L FORD		LAWD CAPPE L FORD	
ALTIMA 2007 2.5L I4		ALTIMA 2007 2.5L I4	
COVER	ITEM	DESCRIPTION	PRICE
1	Oil Filter	Oil Filter	15.00
2	Oil	Oil	15.00
3	Oil	Oil	15.00
4	Oil	Oil	15.00
5	Oil	Oil	15.00
6	Oil	Oil	15.00
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\*\*\*ALL LAWN AREA ABOVE THE MAXIMUM PERMITTED SHALL BE DROUGHT-TOLERANT GRASS

~~RECEIVED~~  
JUL 12 2004

~~ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.~~

BY



**BLITSTEIN  
DESIGN  
ASSOCIATES**

**Architecture  
Interior Design**  
285 Sevilla Avenue  
Coral Gables, FL 33134  
(305) 444-4433

**OWNER :**

**BMS**

**OJUS L.L.C.**  
5901 S.W. 74 th.ST.  
SUITE 205  
MIAMI, FL. 33143



**Hall Bell Aquil, Inc**  
LANDSCAPE ARCHITECTURE  
LC76008207

\_\_\_\_\_

**BMS  
OJUS**

WEST DIXIE HIGHWAY  
& NE 195th STREET  
MIAMI, FLORIDA

project number

12-03-03

regulate

1 04-12-D4

2 08-07-04

3 08-02-04

drawn by

**F.X.**

about 100

### SITE PLANTING PLAN

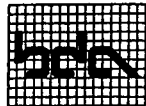
SCALE: AS SHOWN

about 1000

L-1

✓  
#1620  
00/12/06





**BLUTSTEIN  
DESIGN  
ASSOCIATES**

Architecture  
Interior Design  
285 Sevilla Avenue  
Coral Gables, FL 33134  
(305) 444-4433

OWNER:  
**BMS  
OJUS L.L.C.**  
5901 S.W. 74th ST.  
SUITE 205  
MIAMI, FL. 33143



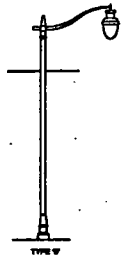
project name  
**BMS  
OJUS**  
WEST DIXIE HIGHWAY  
& NE 195th STREET  
MIAMI, FLORIDA

project number  
date 12-03-03  
revision  
1 04-12-04  
2 08-07-04  
3 08-02-04  
drawn by  
F.R.  
sheet title

SITE PLANTING PLAN

SCALE: AS SHOWN  
sheet number

L-1



TYPE "V"  
SINGLE POLE WITH SINGLE ARM  
SINGLE LIGHT FIXTURE  
SINGLE LIGHT FIXTURE  
SINGLE LIGHT FIXTURE  
SINGLE LIGHT FIXTURE

LANDSCAPE LEGEND			
SYMBOLS (SEE LIST)			
SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
A	1" DIA. TREE (10' TALL) - 10' DIA. (10' TALL)	10'	10' DIA. TREE (10' TALL) - 10' DIA. (10' TALL)
B	2" DIA. TREE (15' TALL) - 15' DIA. (15' TALL)	15'	15' DIA. TREE (15' TALL) - 15' DIA. (15' TALL)
C	3" DIA. TREE (20' TALL) - 20' DIA. (20' TALL)	20'	20' DIA. TREE (20' TALL) - 20' DIA. (20' TALL)
D	4" DIA. TREE (25' TALL) - 25' DIA. (25' TALL)	25'	25' DIA. TREE (25' TALL) - 25' DIA. (25' TALL)
E	5" DIA. TREE (30' TALL) - 30' DIA. (30' TALL)	30'	30' DIA. TREE (30' TALL) - 30' DIA. (30' TALL)
F	6" DIA. TREE (35' TALL) - 35' DIA. (35' TALL)	35'	35' DIA. TREE (35' TALL) - 35' DIA. (35' TALL)
G	7" DIA. TREE (40' TALL) - 40' DIA. (40' TALL)	40'	40' DIA. TREE (40' TALL) - 40' DIA. (40' TALL)
H	8" DIA. TREE (45' TALL) - 45' DIA. (45' TALL)	45'	45' DIA. TREE (45' TALL) - 45' DIA. (45' TALL)
I	9" DIA. TREE (50' TALL) - 50' DIA. (50' TALL)	50'	50' DIA. TREE (50' TALL) - 50' DIA. (50' TALL)
J	10" DIA. TREE (55' TALL) - 55' DIA. (55' TALL)	55'	55' DIA. TREE (55' TALL) - 55' DIA. (55' TALL)
K	11" DIA. TREE (60' TALL) - 60' DIA. (60' TALL)	60'	60' DIA. TREE (60' TALL) - 60' DIA. (60' TALL)
L	12" DIA. TREE (65' TALL) - 65' DIA. (65' TALL)	65'	65' DIA. TREE (65' TALL) - 65' DIA. (65' TALL)
M	13" DIA. TREE (70' TALL) - 70' DIA. (70' TALL)	70'	70' DIA. TREE (70' TALL) - 70' DIA. (70' TALL)
N	14" DIA. TREE (75' TALL) - 75' DIA. (75' TALL)	75'	75' DIA. TREE (75' TALL) - 75' DIA. (75' TALL)
O	15" DIA. TREE (80' TALL) - 80' DIA. (80' TALL)	80'	80' DIA. TREE (80' TALL) - 80' DIA. (80' TALL)
P	16" DIA. TREE (85' TALL) - 85' DIA. (85' TALL)	85'	85' DIA. TREE (85' TALL) - 85' DIA. (85' TALL)
Q	17" DIA. TREE (90' TALL) - 90' DIA. (90' TALL)	90'	90' DIA. TREE (90' TALL) - 90' DIA. (90' TALL)
R	18" DIA. TREE (95' TALL) - 95' DIA. (95' TALL)	95'	95' DIA. TREE (95' TALL) - 95' DIA. (95' TALL)
S	19" DIA. TREE (100' TALL) - 100' DIA. (100' TALL)	100'	100' DIA. TREE (100' TALL) - 100' DIA. (100' TALL)
T	20" DIA. TREE (105' TALL) - 105' DIA. (105' TALL)	105'	105' DIA. TREE (105' TALL) - 105' DIA. (105' TALL)
U	21" DIA. TREE (110' TALL) - 110' DIA. (110' TALL)	110'	110' DIA. TREE (110' TALL) - 110' DIA. (110' TALL)
V	22" DIA. TREE (115' TALL) - 115' DIA. (115' TALL)	115'	115' DIA. TREE (115' TALL) - 115' DIA. (115' TALL)
W	23" DIA. TREE (120' TALL) - 120' DIA. (120' TALL)	120'	120' DIA. TREE (120' TALL) - 120' DIA. (120' TALL)
X	24" DIA. TREE (125' TALL) - 125' DIA. (125' TALL)	125'	125' DIA. TREE (125' TALL) - 125' DIA. (125' TALL)
Y	25" DIA. TREE (130' TALL) - 130' DIA. (130' TALL)	130'	130' DIA. TREE (130' TALL) - 130' DIA. (130' TALL)
Z	26" DIA. TREE (135' TALL) - 135' DIA. (135' TALL)	135'	135' DIA. TREE (135' TALL) - 135' DIA. (135' TALL)
AA	27" DIA. TREE (140' TALL) - 140' DIA. (140' TALL)	140'	140' DIA. TREE (140' TALL) - 140' DIA. (140' TALL)
AB	28" DIA. TREE (145' TALL) - 145' DIA. (145' TALL)	145'	145' DIA. TREE (145' TALL) - 145' DIA. (145' TALL)
AC	29" DIA. TREE (150' TALL) - 150' DIA. (150' TALL)	150'	150' DIA. TREE (150' TALL) - 150' DIA. (150' TALL)
AD	30" DIA. TREE (155' TALL) - 155' DIA. (155' TALL)	155'	155' DIA. TREE (155' TALL) - 155' DIA. (155' TALL)
AE	31" DIA. TREE (160' TALL) - 160' DIA. (160' TALL)	160'	160' DIA. TREE (160' TALL) - 160' DIA. (160' TALL)
AF	32" DIA. TREE (165' TALL) - 165' DIA. (165' TALL)	165'	165' DIA. TREE (165' TALL) - 165' DIA. (165' TALL)
AG	33" DIA. TREE (170' TALL) - 170' DIA. (170' TALL)	170'	170' DIA. TREE (170' TALL) - 170' DIA. (170' TALL)
AH	34" DIA. TREE (175' TALL) - 175' DIA. (175' TALL)	175'	175' DIA. TREE (175' TALL) - 175' DIA. (175' TALL)
AI	35" DIA. TREE (180' TALL) - 180' DIA. (180' TALL)	180'	180' DIA. TREE (180' TALL) - 180' DIA. (180' TALL)
AJ	36" DIA. TREE (185' TALL) - 185' DIA. (185' TALL)	185'	185' DIA. TREE (185' TALL) - 185' DIA. (185' TALL)
AK	37" DIA. TREE (190' TALL) - 190' DIA. (190' TALL)	190'	190' DIA. TREE (190' TALL) - 190' DIA. (190' TALL)
AL	38" DIA. TREE (195' TALL) - 195' DIA. (195' TALL)	195'	195' DIA. TREE (195' TALL) - 195' DIA. (195' TALL)
AM	39" DIA. TREE (200' TALL) - 200' DIA. (200' TALL)	200'	200' DIA. TREE (200' TALL) - 200' DIA. (200' TALL)
AN	40" DIA. TREE (205' TALL) - 205' DIA. (205' TALL)	205'	205' DIA. TREE (205' TALL) - 205' DIA. (205' TALL)
AO	41" DIA. TREE (210' TALL) - 210' DIA. (210' TALL)	210'	210' DIA. TREE (210' TALL) - 210' DIA. (210' TALL)
AP	42" DIA. TREE (215' TALL) - 215' DIA. (215' TALL)	215'	215' DIA. TREE (215' TALL) - 215' DIA. (215' TALL)
AQ	43" DIA. TREE (220' TALL) - 220' DIA. (220' TALL)	220'	220' DIA. TREE (220' TALL) - 220' DIA. (220' TALL)
AR	44" DIA. TREE (225' TALL) - 225' DIA. (225' TALL)	225'	225' DIA. TREE (225' TALL) - 225' DIA. (225' TALL)
AS	45" DIA. TREE (230' TALL) - 230' DIA. (230' TALL)	230'	230' DIA. TREE (230' TALL) - 230' DIA. (230' TALL)
AT	46" DIA. TREE (235' TALL) - 235' DIA. (235' TALL)	235'	235' DIA. TREE (235' TALL) - 235' DIA. (235' TALL)
AU	47" DIA. TREE (240' TALL) - 240' DIA. (240' TALL)	240'	240' DIA. TREE (240' TALL) - 240' DIA. (240' TALL)
AV	48" DIA. TREE (245' TALL) - 245' DIA. (245' TALL)	245'	245' DIA. TREE (245' TALL) - 245' DIA. (245' TALL)
AW	49" DIA. TREE (250' TALL) - 250' DIA. (250' TALL)	250'	250' DIA. TREE (250' TALL) - 250' DIA. (250' TALL)
AX	50" DIA. TREE (255' TALL) - 255' DIA. (255' TALL)	255'	255' DIA. TREE (255' TALL) - 255' DIA. (255' TALL)
AY	51" DIA. TREE (260' TALL) - 260' DIA. (260' TALL)	260'	260' DIA. TREE (260' TALL) - 260' DIA. (260' TALL)
AZ	52" DIA. TREE (265' TALL) - 265' DIA. (265' TALL)	265'	265' DIA. TREE (265' TALL) - 265' DIA. (265' TALL)
BA	53" DIA. TREE (270' TALL) - 270' DIA. (270' TALL)	270'	270' DIA. TREE (270' TALL) - 270' DIA. (270' TALL)
BB	54" DIA. TREE (275' TALL) - 275' DIA. (275' TALL)	275'	275' DIA. TREE (275' TALL) - 275' DIA. (275' TALL)
BC	55" DIA. TREE (280' TALL) - 280' DIA. (280' TALL)	280'	280' DIA. TREE (280' TALL) - 280' DIA. (280' TALL)
BD	56" DIA. TREE (285' TALL) - 285' DIA. (285' TALL)	285'	285' DIA. TREE (285' TALL) - 285' DIA. (285' TALL)
BE	57" DIA. TREE (290' TALL) - 290' DIA. (290' TALL)	290'	290' DIA. TREE (290' TALL) - 290' DIA. (290' TALL)
BF	58" DIA. TREE (295' TALL) - 295' DIA. (295' TALL)	295'	295' DIA. TREE (295' TALL) - 295' DIA. (295' TALL)
BG	59" DIA. TREE (300' TALL) - 300' DIA. (300' TALL)	300'	300' DIA. TREE (300' TALL) - 300' DIA. (300' TALL)
BH	60" DIA. TREE (305' TALL) - 305' DIA. (305' TALL)	305'	305' DIA. TREE (305' TALL) - 305' DIA. (305' TALL)
BI	61" DIA. TREE (310' TALL) - 310' DIA. (310' TALL)	310'	310' DIA. TREE (310' TALL) - 310' DIA. (310' TALL)
BJ	62" DIA. TREE (315' TALL) - 315' DIA. (315' TALL)	315'	315' DIA. TREE (315' TALL) - 315' DIA. (315' TALL)
BK	63" DIA. TREE (320' TALL) - 320' DIA. (320' TALL)	320'	320' DIA. TREE (320' TALL) - 320' DIA. (320' TALL)
BL	64" DIA. TREE (325' TALL) - 325' DIA. (325' TALL)	325'	325' DIA. TREE (325' TALL) - 325' DIA. (325' TALL)
BM	65" DIA. TREE (330' TALL) - 330' DIA. (330' TALL)	330'	330' DIA. TREE (330' TALL) - 330' DIA. (330' TALL)
BN	66" DIA. TREE (335' TALL) - 335' DIA. (335' TALL)	335'	335' DIA. TREE (335' TALL) - 335' DIA. (335' TALL)
BO	67" DIA. TREE (340' TALL) - 340' DIA. (340' TALL)	340'	340' DIA. TREE (340' TALL) - 340' DIA. (340' TALL)
BP	68" DIA. TREE (345' TALL) - 345' DIA. (345' TALL)	345'	345' DIA. TREE (345' TALL) - 345' DIA. (345' TALL)
BQ	69" DIA. TREE (350' TALL) - 350' DIA. (350' TALL)	350'	350' DIA. TREE (350' TALL) - 350' DIA. (350' TALL)
BR	70" DIA. TREE (355' TALL) - 355' DIA. (355' TALL)	355'	355' DIA. TREE (355' TALL) - 355' DIA. (355' TALL)
BS	71" DIA. TREE (360' TALL) - 360' DIA. (360' TALL)	360'	360' DIA. TREE (360' TALL) - 360' DIA. (360' TALL)
BT	72" DIA. TREE (365' TALL) - 365' DIA. (365' TALL)	365'	365' DIA. TREE (365' TALL) - 365' DIA. (365' TALL)
BU	73" DIA. TREE (370' TALL) - 370' DIA. (370' TALL)	370'	370' DIA. TREE (370' TALL) - 370' DIA. (370' TALL)
BV	74" DIA. TREE (375' TALL) - 375' DIA. (375' TALL)	375'	375' DIA. TREE (375' TALL) - 375' DIA. (375' TALL)
BW	75" DIA. TREE (380' TALL) - 380' DIA. (380' TALL)	380'	380' DIA. TREE (380' TALL) - 380' DIA. (380' TALL)
BX	76" DIA. TREE (385' TALL) - 385' DIA. (385' TALL)	385'	385' DIA. TREE (385' TALL) - 385' DIA. (385' TALL)
BY	77" DIA. TREE (390' TALL) - 390' DIA. (390' TALL)	390'	390' DIA. TREE (390' TALL) - 390' DIA. (390' TALL)
BZ	78" DIA. TREE (395' TALL) - 395' DIA. (395' TALL)	395'	395' DIA. TREE (395' TALL) - 395' DIA. (395' TALL)
CA	79" DIA. TREE (400' TALL) - 400' DIA. (400' TALL)	400'	400' DIA. TREE (400' TALL) - 400' DIA. (400' TALL)
CB	80" DIA. TREE (405' TALL) - 405' DIA. (405' TALL)	405'	405' DIA. TREE (405' TALL) - 405' DIA. (405' TALL)
CC	81" DIA. TREE (410' TALL) - 410' DIA. (410' TALL)	410'	410' DIA. TREE (410' TALL) - 410' DIA. (410' TALL)
CD	82" DIA. TREE (415' TALL) - 415' DIA. (415' TALL)	415'	415' DIA. TREE (415' TALL) - 415' DIA. (415' TALL)
CE	83" DIA. TREE (420' TALL) - 420' DIA. (420' TALL)	420'	420' DIA. TREE (420' TALL) - 420' DIA. (420' TALL)
CF	84" DIA. TREE (425' TALL) - 425' DIA. (425' TALL)	425'	425' DIA. TREE (425' TALL) - 425' DIA. (425' TALL)
CG	85" DIA. TREE (430' TALL) - 430' DIA. (430' TALL)	430'	430' DIA. TREE (430' TALL) - 430' DIA. (430' TALL)
CH	86" DIA. TREE (435' TALL) - 435' DIA. (435' TALL)	435'	435' DIA. TREE (435' TALL) - 435' DIA. (435' TALL)
CI	87" DIA. TREE (440' TALL) - 440' DIA. (440' TALL)	440'	440' DIA. TREE (440' TALL) - 440' DIA. (440' TALL)
CJ	88" DIA. TREE (445' TALL) - 445' DIA. (445' TALL)	445'	445' DIA. TREE (445' TALL) - 445' DIA. (445' TALL)
CK	89" DIA. TREE (450' TALL) - 450' DIA. (450' TALL)	450'	450' DIA. TREE (450' TALL) - 450' DIA. (450' TALL)
CL	90" DIA. TREE (455' TALL) - 455' DIA. (455' TALL)	455'	455' DIA. TREE (455' TALL) - 455' DIA. (455' TALL)
CM	91" DIA. TREE (460' TALL) - 460' DIA. (460' TALL)	460'	460' DIA. TREE (460' TALL) - 460' DIA. (460' TALL)
CN	92" DIA. TREE (465' TALL) - 465' DIA. (465' TALL)	465'	465' DIA. TREE (465' TALL) - 465' DIA. (465' TALL)
CO	93" DIA. TREE (470' TALL) - 470' DIA. (470' TALL)	470'	470' DIA. TREE (470' TALL) - 470' DIA. (470' TALL)
CP	94" DIA. TREE (475' TALL) - 475' DIA. (475' TALL)	475'	475' DIA. TREE (475' TALL) - 475' DIA. (475' TALL)
CQ	95" DIA. TREE (480' TALL) - 480' DIA. (480' TALL)	480'	480' DIA. TREE (480' TALL) - 480' DIA. (480' TALL)
CR	96" DIA. TREE (485' TALL) - 485' DIA. (485' TALL)	485'	485' DIA. TREE (485' TALL) - 485' DIA. (485' TALL)
CS	97" DIA. TREE (490' TALL) - 490' DIA. (490' TALL)	490'	490' DIA. TREE (490' TALL) - 490' DIA. (490' TALL)
CT	98" DIA. TREE (495' TALL) - 495' DIA. (495' TALL)	495'	495' DIA. TREE (495' TALL) - 495' DIA. (495' TALL)
CU	99" DIA. TREE (500' TALL) - 500' DIA. (500' TALL)	500'	500' DIA. TREE (500' TALL) - 500' DIA. (500' TALL)
CV	100" DIA. TREE (505' TALL) - 505' DIA. (505' TALL)	505'	505' DIA. TREE (505' TALL) - 505' DIA. (505' TALL)
CW	101" DIA. TREE (510' TALL) - 510' DIA. (510' TALL)	510'	510' DIA. TREE (510' TALL) - 510' DIA. (510' TALL)
CX	102" DIA. TREE (515' TALL) - 515' DIA. (515' TALL)	515'	515' DIA. TREE (515' TALL) - 515' DIA. (515' TALL)
CY	103" DIA. TREE (520' TALL) - 520' DIA. (520' TALL)	520'	520' DIA. TREE (520' TALL) - 520' DIA. (520' TALL)
CZ	104" DIA. TREE (525' TALL) - 525' DIA. (525' TALL)	525'	525' DIA. TREE (525' TALL) - 525' DIA. (525' TALL)
DA	105" DIA. TREE (530' TALL) - 530' DIA. (530' TALL)	530'	530' DIA. TREE (530' TALL) - 530' DIA. (530' TALL)
DB	106" DIA. TREE (535' TALL) - 535' DIA. (535' TALL)	535'	535' DIA. TREE (535' TALL) - 535' DIA. (535' TALL)
DC	107" DIA. TREE (540' TALL) - 540' DIA. (540' TALL)	540'	540' DIA. TREE (540' TALL) - 540' DIA. (540' TALL)
DD	108" DIA. TREE (545' TALL) - 545' DIA. (545' TALL)	545'	545' DIA. TREE (545' TALL) - 545' DIA. (545' TALL)
DE	109" DIA. TREE (550' TALL) - 550' DIA. (550' TALL)	550'	550' DIA. TREE (550' TALL) - 550' DIA. (550' TALL)
DF	110" DIA. TREE (555' TALL) - 555' DIA. (555' TALL)	555'	555' DIA. TREE (555' TALL) - 555' DIA. (555' TALL)
DE	111" DIA. TREE (560' TALL) - 560' DIA. (560' TALL)	560'	560' DIA. TREE (560' TALL) - 560' DIA. (560' TALL)
DF	112" DIA. TREE (565' TALL) - 565' DIA. (565' TALL)	565'	565' DIA. TREE (565' TALL) - 565' DIA. (565' TALL)
DE	113" DIA. TREE (570' TALL) - 570' DIA. (570' TALL)	570'	570' DIA. TREE (570' TALL) - 570' DIA. (570' TALL)
DF	114" DIA. TREE (575' TALL) - 575' DIA. (575' TALL)	575'	575' DIA. TREE (575' TALL) - 575' DIA. (575' TALL)
DE	115" DIA. TREE (580' TALL) - 580' DIA. (580' TALL)	580'	580' DIA. TREE (580' TALL) - 580' DIA. (580' TALL)
DF	116" DIA. TREE (585' TALL) - 585' DIA. (585' TALL)	585'	585' DIA. TREE (585' TALL) - 585' DIA. (585' TALL)
DE	117" DIA. TREE (590' TALL) - 590' DIA. (590' TALL)	590'	590' DIA. TREE (590' TALL) - 590' DIA. (590' TALL)
DF	118" DIA. TREE (595' TALL) - 595' DIA. (595' TALL)	595'	595' DIA. TREE (595' TALL) - 595' DIA. (595' TALL)
DE	119" DIA. TREE (600' TALL) - 600' DIA. (600' TALL)	600'	600' DIA. TREE (600' TALL) - 600' DIA. (600' TALL)
DF	120" DIA. TREE (605' TALL) - 605' DIA. (605' TALL)	605'	605' DIA. TREE (605' TALL) - 605' DIA. (605' TALL)
DE	121" DIA. TREE (610' TALL) - 610' DIA. (610' TALL)	610'	610' DIA. TREE (610' TALL) - 610' DIA. (610' TALL)
DF	122" DIA. TREE (615' TALL) - 615' DIA. (615' TALL)	615'	615' DIA. TREE (615' TALL) - 615' DIA. (615' TALL)
DE	123" DIA. TREE (620' TALL) - 620' DIA. (620' TALL)	620'	620' DIA. TREE (620' TALL) - 620' DIA. (620' TALL)
DF	124" DIA. TREE (625' TALL) - 625' DIA. (625' TALL)	625'	625' DIA. TREE (625' TALL) - 625' DIA. (625' TALL)
DE	125" DIA. TREE (630' TALL) - 630' DIA. (630' TALL)	630'	630' DIA. TREE (630' TALL) - 630' DIA. (630' TALL)
DF	126" DIA. TREE (635' TALL) - 635' DIA. (635' TALL)	635'	635' DIA. TREE (635' TALL) - 635' DIA. (635' TALL)
DE	127" DIA. TREE (640' TALL) - 640' DIA. (640' TALL)	640'	640' DIA. TREE (640' TALL) - 640' DIA. (640' TALL)
DF	128" DIA. TREE (645' TALL) - 645' DIA. (645' TALL)	645'	645' DIA. TREE (645' TALL) - 645' DIA. (645' TALL)
DE	129" DIA. TREE (650' TALL) - 650' DIA. (650' TALL)	650'	650' DIA. TREE (650' TALL) - 650' DIA. (650' TALL)
DF	130" DIA. TREE (655' TALL) - 655' DIA. (655' TALL)	655'	655' DIA. TREE (655' TALL) - 655' DIA. (655' TALL)



**BLITSTEIN  
DESIGN  
ASSOCIATES**  
Architecture  
Interior Design  
285 South Avenue  
Coral Gables, FL 33134  
(305) 444-4433

**OWNER :**  
BMS  
OJUS LLC.  
5901 S.W. 74th St.  
SUITE 205  
MIAMI, FL 33143



project name  
**BMS  
OJUS**  
WEST DIXIE HIGHWAY  
& NE 195th STREET  
MIAMI, FLORIDA

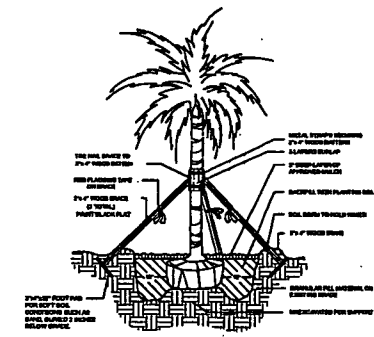
project number  
date 12-03-03  
revisions  
1 04-12-04  
2 06-07-04  
3 08-02-04  
drawn by  
i.n.  
sheet title

PLANTING DETAILS  
SCALE: AS SHOWN  
sheet number

L-2

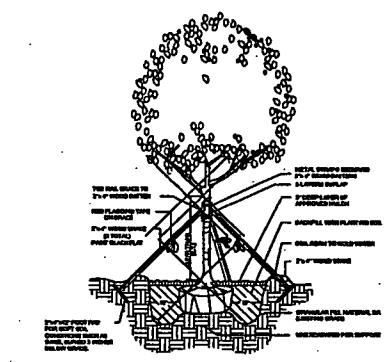
### GENERAL LANDSCAPE NOTES

- The Contractor shall visit the site prior to submitting his bid in order to familiarize himself with existing conditions and access.
- Site shall include removal of all existing plants as designated by the Landscape Architect, ground / soil preparation, and all labor and materials for a complete landscape installation.
- All planted areas shall receive fertilization as per specifications and a minimum cover of 2" depth shredded mulch.
- All plants shall be Florida No. 1 Grade, or better, shall be free from pests and diseases, and shall be healthy, vigorous specimens.
- The Contractor shall verify all surface and subsurface utilities before commencing work.
- Quaranty periods shall be as follows: All Sod; 90 days; All Containerized Materials; 180 days; All Field Grown Materials; 180 days.
- An automatic irrigation system shall be installed, and shall provide 100% coverage.
- All installation shall be per Hall & Bell, P.A. Landscape Specifications.
- All existing plant material shall remain protected and undisturbed, unless otherwise designated by the Landscape Architect.
- All trees to be relocated shall be protected and maintained, (depending on species), prior to relocation. Upon relocation, 30% of the tree canopy shall be thinned out under the direction of the Landscape Architect.
- After relocation or removal of existing trees and palms, tree pits shall be backfilled with planting soil and sodded as required.
- All relocated plant material shall be located and marked in the field by the Landscape Architect.
- Tree holes shall be backfilled with soil as designated on specifications. All planted areas shall receive 4" minimum depth planting soil as designated on specifications. Planting soil mixture shall consist of 1/3 overglaze peat, 1/3 sand, 1/3 cypress sawdust and chips.
- All planting beds shall be weed and grass free.
- Sod shall be St. Augustine "Florissant", unless otherwise designated. Sod shall be laid solid with alternating and abutting joints, and with 2" top soil minimum.
- Landscape Contractor shall coordinate his work with the General Contractor, the Irrigation Contractor, and the Electrical Contractor.
- Landscape plan shall be installed in compliance with all local codes.
- Planting plans shall take precedence over plant list in case of discrepancies. Landscape Architect shall be notified for direction if situation arises.
- No change shall be made without the prior written consent of the Landscape Architect.
- All materials are subject to availability at time of installation. Substitutions may be made after consultation with Landscape Architect.



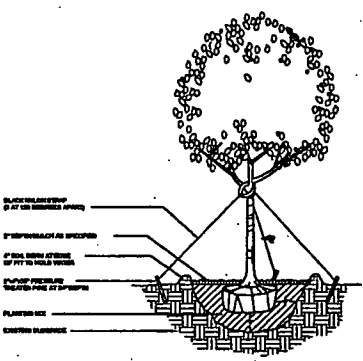
**PALM PLANTING DETAIL**

N.T.S.



**TREE PLANTING & GUYING DETAIL**

N.T.S.



**SPECIMEN TREE GUYING DETAIL**

N.T.S.

PLANT LIST:  
BMS OJUS  
ZONING DISTRICT: S-4

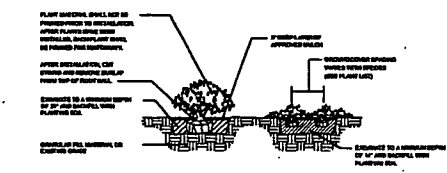
TREES AND PALMS		BOTANICAL NAME		COMMON NAME		NATIVE		CONTAINER		HEIGHT		CANOPY DIAMETER		QUANTITY
KEY	NEW	EXISTING				YES	NO	SIZE	REPLANT	ESTIMATED AT MATURITY	ESTIMATED AT MATURITY	ESTIMATED AT MATURITY	ESTIMATED AT MATURITY	
BE	X		Bursera floribunda	Caribbean Umbrella		X		2' dia	12' H	12'	12'	12'	12'	14
CH	X		Chorizanthe floribunda	Live Oak		X		2' dia	12' H	12'	12'	12'	12'	8
CL	X		Clusia rosea	Florida Rosewood		X		2' dia	12' H	12'	12'	12'	12'	8
CO	X		Cordia alliodora	Florida Plum		X		2' dia	12' H	12'	12'	12'	12'	8
JA	X		Jatropha curcas	Castor Bean		X		2' dia	12' H	12'	12'	12'	12'	8
TS	X		Tournefortia bicolor	Florida Palm		X		2' dia	12' H	12'	12'	12'	12'	8
TR	X		Trichocereus pasadenensis	Cholla		X		2' dia	12' H	12'	12'	12'	12'	8
TR	X		Trichocereus pasadenensis	Cholla		X		2' dia	12' H	12'	12'	12'	12'	8

SHRUBS AND GROUNDCOVERS		BOTANICAL NAME		COMMON NAME		NATIVE		CONTAINER		HEIGHT		CANOPY DIAMETER		QUANTITY
KEY	NEW	EXISTING				YES	NO	SIZE	REPLANT	ESTIMATED AT MATURITY	ESTIMATED AT MATURITY	ESTIMATED AT MATURITY	ESTIMATED AT MATURITY	
CF	X		Conocarpus erectus	Sea Hibiscus		X		2' dia	12' H	12'	12'	12'	12'	325
FC	X		Ficus religiosa	Fig		X		2' dia	12' H	12'	12'	12'	12'	612
GC	X		Guzmania monstrosa	Monstera		X		2' dia	12' H	12'	12'	12'	12'	325
PC	X		Portulaca grandiflora	Portulaca		X		2' dia	12' H	12'	12'	12'	12'	325
PL	X		Portulaca grandiflora	Portulaca		X		2' dia	12' H	12'	12'	12'	12'	325
TR	X		Trichocereus pasadenensis	Cholla		X		2' dia	12' H	12'	12'	12'	12'	325

**RECEIVED**  
JUL 12 2004

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY



**SHRUB & GROUNDCOVER PLANTING DETAIL**

N.T.S.

**RECEIVED**  
204-67  
AUG 12 2004

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

*Clarification*

*1/13  
#1620  
08/12/04*



**BLITSTEIN  
DESIGN  
ASSOCIATES**

Architecture  
Interior Design  
285 Sevilla Avenue  
Coral Gables, FL 33134  
(305) 444-4433

OWNER:  
BMS  
OJUS L.L.C.  
5901 S.W. 74th St.  
SUITE 205  
MIAMI, FL 33143

Hall Bell Acqui, Inc.  
LANDSCAPE ARCHITECTURE  
LC100002107

project name

BMS  
OJUS  
WEST DIXIE HIGHWAY  
& NE 195th STREET  
MIAMI, FLORIDA

project number

date 12-03-03

revision

1 04-12-04  
2 06-07-04  
3 08-02-04

draw by

i.s.

sheet title

PLANTING DETAILS

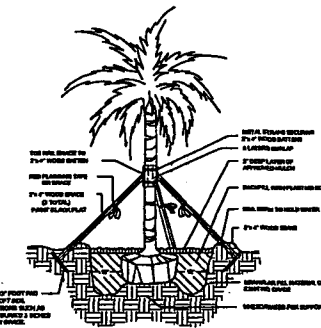
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L-2

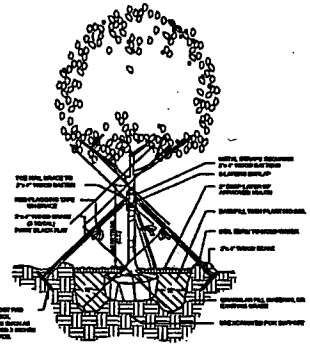
### GENERAL LANDSCAPE NOTES

1. The Contractor shall visit the site prior to submitting his bid in order to familiarize himself with existing conditions and access.
2. Bids shall include removal of all existing plants as designated by the Landscape Architect, ground / soil preparation, and all labor and materials for a complete landscape installation.
3. All planted areas shall receive fertilization as per specifications and a minimum cover of 2" depth shredded mulch.
4. All plants shall be Florida No. 1 Grade, or better, shall be free from pests and diseases, and shall be healthy, vigorous specimens.
5. The Contractor shall verify all surface and subsurface utilities before commencing work.
6. Quantity periods shall exist as follows: All Soil: 90 days; All Containerized Materials: 90 days; All Field Grown Materials: 180 days.
7. An automatic irrigation system shall be installed, and shall provide 100% coverage.
8. All installation shall be per Hall & Bell, P.A. Landscape Specifications.
9. All existing plant material shall remain protected and undisturbed, unless otherwise designated by the Landscape Architect.
10. All trees to be relocated shall be root pruned 30 days minimum, (depending on species), prior to relocation. Upon relocation, 30% of the tree canopy shall be thinned out under the direction of the Landscape Architect.
11. After relocation or removal of existing trees and palms, tree pits shall be backfilled with planting soil and sodded as required.
12. All relocated plant material shall be located and marked in the field by the Landscape Architect.
13. Tree holes shall be backfilled with soil as designated on specifications. All planted areas shall receive 4" minimum depth planting soil as designated on specifications. Planting soil mixture shall consist of 1/3 overgrade soil, 1/3 sand, 1/3 cypress mulch and chips.
14. All planting beds shall be weeded and grass free.
15. Soil shall be SL/Augustine "Florant", unless otherwise designated. Soil shall be laid solid with alternating and abutting joints, and with 2" top soil minimum.
16. Landscape Contractor shall coordinate his work with the General Contractor, the Irrigation Contractor, and the Electrical Contractor.
17. Landscape plan shall be installed in compliance with all local codes.
18. Planting plans shall take precedence over plant list in case of discrepancies. Landscape Architect shall be notified for direction if situation arises.
19. No change shall be made without the prior written consent of the Landscape Architect.
20. All materials are subject to availability at time of installation. Substitutions may be made after consultation with Landscape Architect.



**PALM PLANTING DETAIL**

N.T.S.



**TREE PLANTING & GUYING DETAIL**

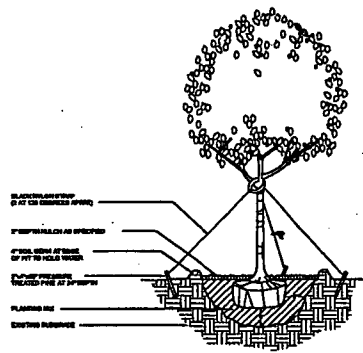
N.T.S.

PLANT LIST:  
BMS OJUS

ZONING DISTRICT: B4

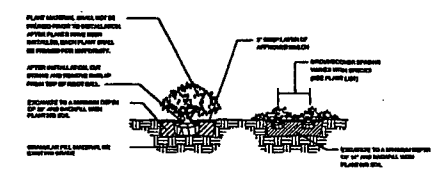
TREES AND PALMS												
SPECIES, USED OR PLAN			BOTANICAL NAME	COMMON NAME	NATIVE		GALPES	HEIGHT		CANOPY DIAMETER	QUANTITY	
KEY	NEW	EXISTING			YES	NO		INSTALLED	ESTIMATED AT MATURITY			ESTIMATED AT MATURITY
BB	X		Banksia integrifolia	Quercus laurifolia			2" dia.	14' H.	12'	20'-30'	18	
CB	X		Casuarina equisetifolia	Casuarina equisetifolia			2" dia.	14' H.	12'	20'-30'	3	
GB	X		Grevillea robusta	Sheep Bush			2" dia.	12' H.	12'-12'	10'-15'	14	
DB	X		Diospyros virginiana	Blackberry			2" dia.	12' H.	12'	10'	14	
EB	X		Eucalyptus grandis	Eucalyptus grandis			2" dia.	12' H.	12'	10'	14	
FB	X		Ficus religiosa	Ficus religiosa			2" dia.	12' H.	12'	10'	14	
GB	X		Grevillea robusta	Grevillea robusta			2" dia.	12' H.	12'	10'	14	
HB	X		Hibiscus rosa-sinensis	Hibiscus rosa-sinensis			2" dia.	12' H.	12'	10'	14	
IB	X		Ipomoea pes-caprae	Ipomoea pes-caprae			2" dia.	12' H.	12'	10'	14	
JB	X		Jatropha curcas	Jatropha curcas			2" dia.	12' H.	12'	10'	14	
KB	X		Kalanchoe pinnatifida	Kalanchoe pinnatifida			2" dia.	12' H.	12'	10'	14	
LB	X		Lantana camara	Lantana camara			2" dia.	12' H.	12'	10'	14	
MB	X		Mimosa pudica	Mimosa pudica			2" dia.	12' H.	12'	10'	14	
NB	X		Nerium oleander	Nerium oleander			2" dia.	12' H.	12'	10'	14	
OB	X		Olea europaea	Olea europaea			2" dia.	12' H.	12'	10'	14	
PB	X		Palmetto	Palmetto			2" dia.	12' H.	12'	10'	14	
QB	X		Quercus laurifolia	Quercus laurifolia			2" dia.	12' H.	12'	10'	14	
RB	X		Rosa rugosa	Rosa rugosa			2" dia.	12' H.	12'	10'	14	
SB	X		Schinus molle	Schinus molle			2" dia.	12' H.	12'	10'	14	
TB	X		Taxus canadensis	Taxus canadensis			2" dia.	12' H.	12'	10'	14	
UB	X		Ulmus americana	Ulmus americana			2" dia.	12' H.	12'	10'	14	
VB	X		Viburnum acerifolium	Viburnum acerifolium			2" dia.	12' H.	12'	10'	14	
WB	X		Wisteria sinensis	Wisteria sinensis			2" dia.	12' H.	12'	10'	14	
XB	X		Xanthoxylum	Xanthoxylum			2" dia.	12' H.	12'	10'	14	
YB	X		Yucca filamentosa	Yucca filamentosa			2" dia.	12' H.	12'	10'	14	
ZB	X		Zinnia mexicana	Zinnia mexicana			2" dia.	12' H.	12'	10'	14	

SHRUBS AND GROUNDCOVERS													
STICKS LIES OR FLAM			BOTANICAL NAME	COMMON NAME	NATIVE		ESTIMATED SIZE		HINDY		CANOPY DIAMETER		QUANTITY
KEY	NEW	EXISTING			YES	NO	INITIAL	INITIAL	ESTIMATED AT MATURITY	ESTIMATED AT MATURITY			
GB	X		Grevillea robusta 'Robusta'	Forest Redback	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
HB	X		Hibiscus rosa-sinensis	Chinese Hibiscus	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
IB	X		Ipomoea pes-caprae	Creeping Fig	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
JB	X		Jatropha curcas	Green Ashoka	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
KB	X		Kalanchoe pinnatifida	Devil's Claw	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
LB	X		Lantana camara	Lantana	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
MB	X		Mimosa pudica	Sensitive Plant	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
NB	X		Nerium oleander	Nerium	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
OB	X		Olea europaea	Oliver	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
PB	X		Palmetto	Palmetto	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
QB	X		Quercus laurifolia	Laurel Oak	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
RB	X		Rosa rugosa	Rosa	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
SB	X		Schinus molle	Chenopodium	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
TB	X		Taxus canadensis	White Pine	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
UB	X		Ulmus americana	European Elm	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
VB	X		Viburnum acerifolium	Black Viburnum	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
WB	X		Wisteria sinensis	Chinese Wisteria	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
XB	X		Xanthoxylum	Yellow Wood	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
YB	X		Yucca filamentosa	Spiky Leaf	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'
ZB	X		Zinnia mexicana	Mexican Zinnia	X		2" DIA.	12' H.	12' W.	12' W.	12'	12'	12'



**SPECIMEN TREE GUYING DETAIL**

N.T.S.

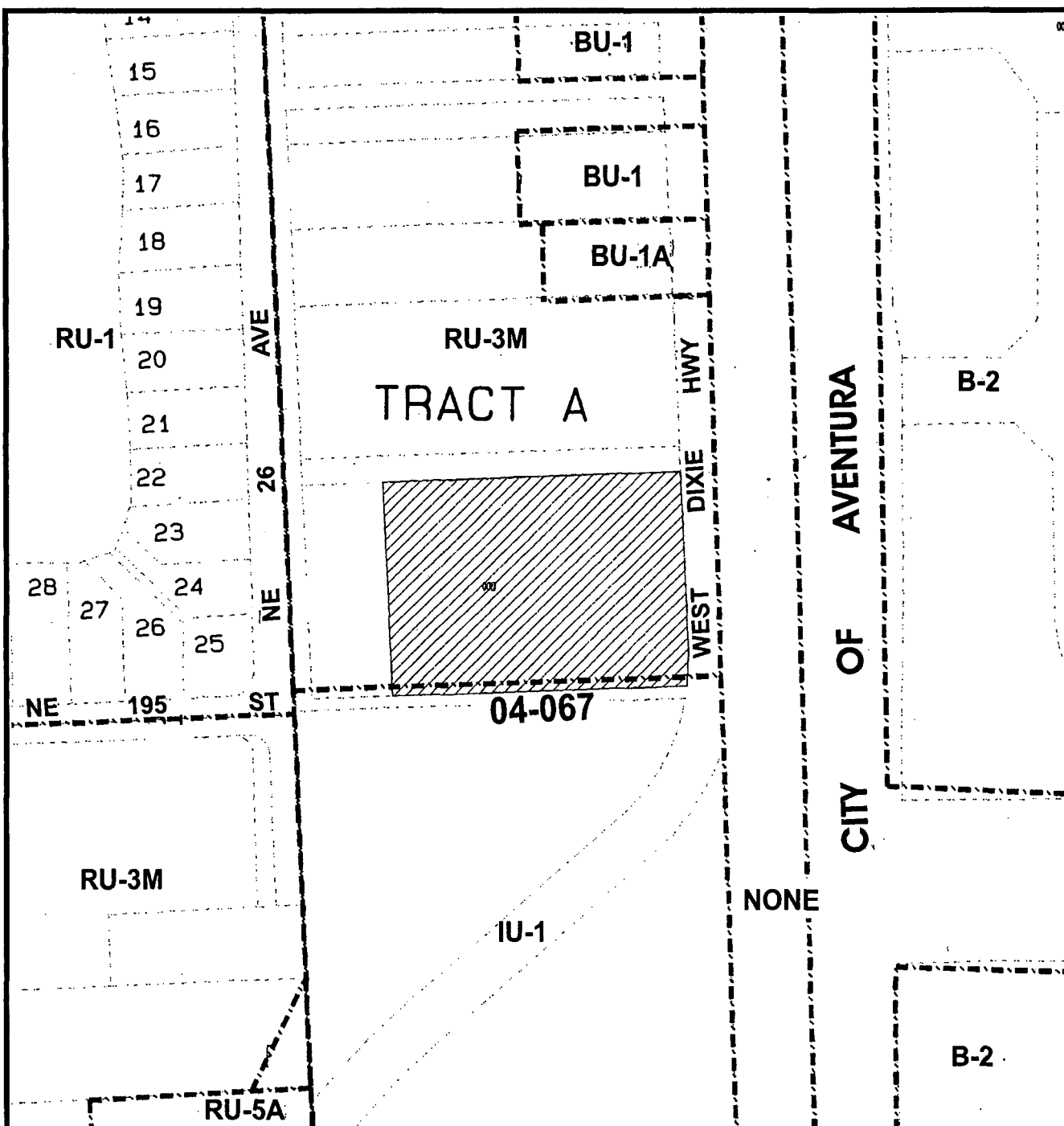


**SHRUB & GROUNDCOVER PLANTING DETAIL**

N.T.S.

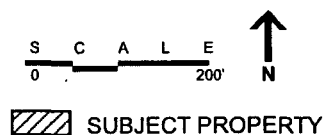
**RECEIVED**  
204-67  
AUG 02 2004  
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY *[Signature]*

*[Handwritten notes]*  
#4420  
08/03/04



**MIAMI-DADE COUNTY  
HEARING MAP**

Section: 03 Township: 52 Range: 42  
 Process Number: 04-067  
 Applicant: TRINITY PROPERTY OF AVENTURA  
 District Number: 04  
 Zoning Board: C02  
 Drafter ID: ERIC  
 Scale: 1:200'







MIAMI-DADE COUNTY  
**AERIAL**

Section: 03 Township: 52 Range: 42  
Process Number: 04-067  
Applicant: TRINITY PROPERTY OF AVENTURA  
District Number: 04  
Zoning Board: C02  
Drafter ID: ERIC  
Scale: NTS

S C A L E  
0 NTS N



SUBJECT PROPERTY



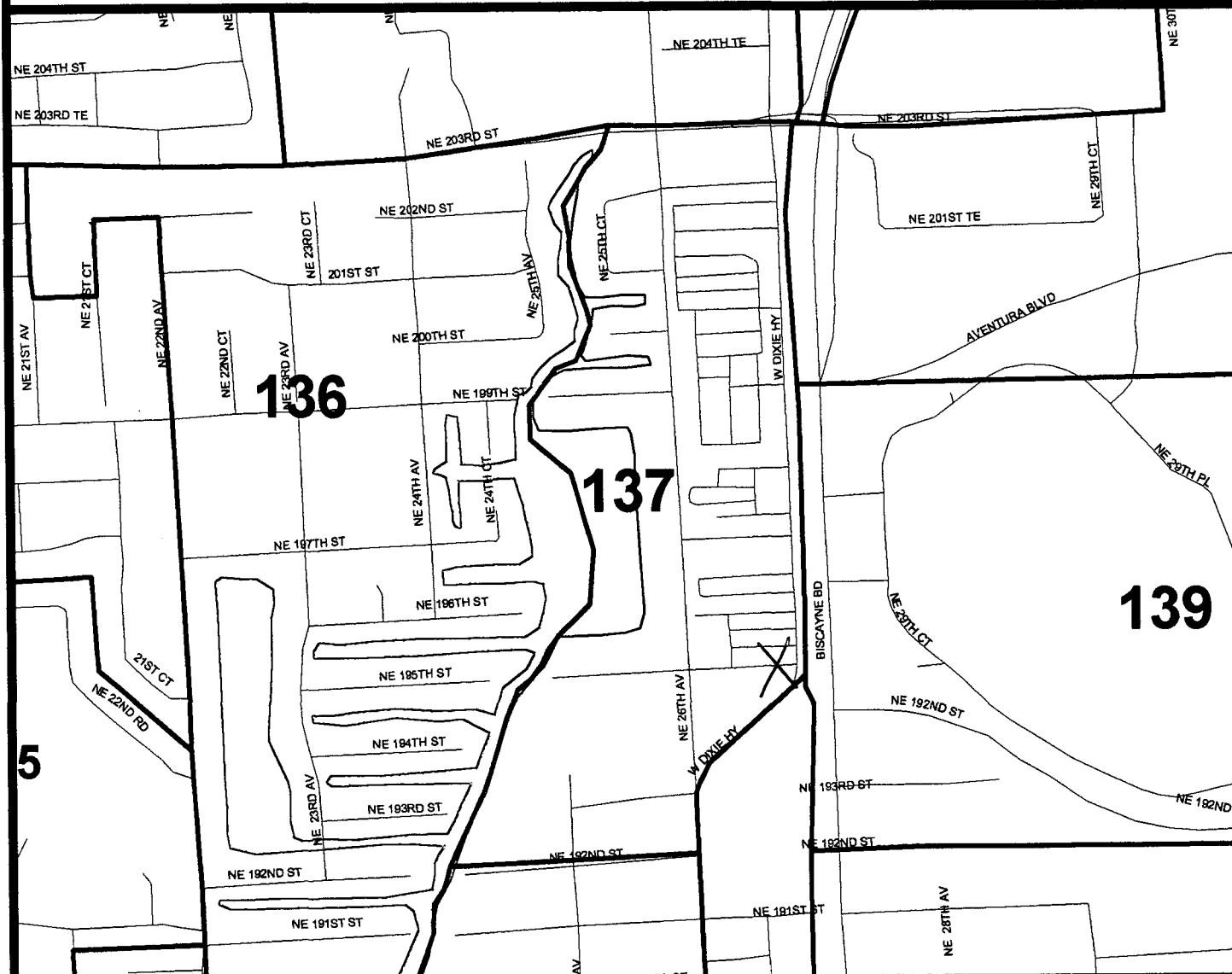




**Miami-Dade Police Department**  
**Target Area - Police Grid(s): 0137**  
**Trinity Properties of Adventura; Hearing # 04-67**



C-2



Police Grids Boundaries  
 Boundary

MDPD Crime Analysis System  
April 20, 2004  
Data in this document represents  
successfully geocoded attributes.



# Miami-Dade Police Department

## Summarized Grid Information By Signal

### For 1/1/02 Thru 2002-12-31



Detail Filter: ( Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01" ) and ( Dis.Grid in ( "0137" ) ) and ( Dis.Signal Code in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) ) and ( Dis.Primary Unit not contains '0000' ) and ( Dis.Primary Unit not contains 'SB' ) and ( Dis.Reporting Agency Code = substring ( "030", 1, 3 ) )

Miami-Dade Police Department

Crime Information Warehouse

Grid	Signal Code	Signal Description	Total
0137	13	SPECIAL INFORMATION/ASSIGNMENT	59
	14	CONDUCT INVESTIGATION	157
	15	MEET AN OFFICER	490
	16	D.U.I.	1
	17	TRAFFIC ACCIDENT	61
	18	HIT AND RUN	18
	19	TRAFFIC STOP	28
	20	TRAFFIC DETAIL	10
	21	LOST OR STOLEN TAG	3
	22	AUTO THEFT	10
	25	BURGLAR ALARM RINGING	59
	26	BURGLARY	49
	27	LARCENY	19
	28	VANDALISM	15
	29	ROBBERY	3
	32	ASSAULT	50
	34	DISTURBANCE	118
	36	MISSING PERSON	11
	37	SUSPICIOUS VEHICLE	14
	38	SUSPICIOUS PERSON	13
	39	PRISONER	10
	41	SICK OR INJURED PERSON	15

# Miami-Dade Police Department

## Summarized Grid Information By Signal

### For 1/1/02 Thru 2002-12-31



Detail Filter: ( Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01" ) and ( Dis.Grid in ( "0137" ) ) and ( Dis.Signal Code in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) ) and ( Dis.Primary Unit not contains '0000' ) and ( Dis.Primary Unit not contains 'SB' ) and ( Dis.Reporting Agency Code = substring ( "030", 1, 3 ) )

Miami-Dade Police Department

Crime Information Warehouse

Grid	Signal Code	Signal Description	Total
0137.	43	BAKER ACT	5
	44	ATTEMPTED SUICIDE	3
	45	DEAD ON ARRIVAL	1
	48	EXPLOSION	1
	49	FIRE	2
	52	NARCOTICS INVESTIGATION	1
	54	FRAUD	10
Total Signals for Grid 0137 : 1236			
Total Reported: 902      Total Not Reported: 334			

**Total for All Grids : 1236**



# Miami-Dade Police Department

## Summarized Grid Information By Signal

### For 1/1/03 Thru 2003-12-31



Detail Filter: ( Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01" ) and ( Dis.Grid in ( "0137" ) ) and ( Dis.Signal Code in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) ) and ( Dis.Primary Unit not contains '0000' ) and ( Dis.Primary Unit not contains 'SB' ) and ( Dis.Reporting Agency Code = substring ( "030", 1, 3 ) )

Miami-Dade Police Department

Crime Information Warehouse

Grid	Signal Code	Signal Description	Total
0137	13	SPECIAL INFORMATION/ASSIGNMENT	90
	14	CONDUCT INVESTIGATION	118
	15	MEET AN OFFICER	416
	16	D.U.I.	1
	17	TRAFFIC ACCIDENT	60
	18	HIT AND RUN	10
	19	TRAFFIC STOP	30
	20	TRAFFIC DETAIL	23
	21	LOST OR STOLEN TAG	1
	22	AUTO THEFT	11
	25	BURGLAR ALARM RINGING	80
	26	BURGLARY	36
	27	LARCENY	13
	28	VANDALISM	8
	29	ROBBERY	1
	32	ASSAULT	37
	34	DISTURBANCE	103
	36	MISSING PERSON	10
	37	SUSPICIOUS VEHICLE	14
	38	SUSPICIOUS PERSON	17
	39	PRISONER	4
	41	SICK OR INJURED PERSON	15

# Miami-Dade Police Department

## Summarized Grid Information By Signal

### For 1/1/03 Thru 2003-12-31



Detail Filter: ( Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01" ) and ( Dis.Grid in ( "0137" ) ) and ( Dis.Signal Code in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) ) and ( Dis.Primary Unit not contains '0000' ) and ( Dis.Primary Unit not contains 'SB' ) and ( Dis.Reporting Agency Code = substring ( "030", 1, 3 ) )

Miami-Dade Police Department

Crime Information Warehouse

Grid	Signal Code	Signal Description	Total
0137.	43	BAKER ACT	4
	44	ATTEMPTED SUICIDE	2
	45	DEAD ON ARRIVAL	2
	47	BOMB OR EXPLOSIVE ALERT	1
	49	FIRE	2
	52	NARCOTICS INVESTIGATION	3
	54	FRAUD	4
Total Signals for Grid 0137 : 1116			
Total Reported: 797      Total Not Reported: 319			

**Total for All Grids : 1116**



Miami-Dade Police Department

# MIAMI-DADE POLICE DEPARTMENT

Part I and Part II Crimes w/o AC

Reporting Agency: MDPD

From 1/1/02 Thru 1/1/03

YEAR: 2002

Crime Information Warehouse

Prompt Variable Used: All County: N

Grid(s): 0137

<b>PART I Crimes</b>	<b>Total Crimes</b>
<b>130A - AGGRAVATED ASSAULT</b>	<b>7</b>
<b>2200 - BURGLARY</b>	<b>22</b>
<b>230E - SHOPLIFTING FROM A COIN MACHINE</b>	<b>1</b>
<b>230F - SHOPLIFTING FROM A MOTOR VEHICLE</b>	<b>5</b>
<b>230G - SHOPLIFTING ALL OTHERS</b>	<b>12</b>
<b>2400 - MOTOR VEHICLE THEFT</b>	<b>3</b>



Miami-Dade Police Department

# MIAMI-DADE POLICE DEPARTMENT

Part I and Part II Crimes w/o AC

Reporting Agency: MDPD

From 1/1/02 Thru 1/1/03

YEAR: 2002

Crime Information Warehouse

Prompt Variable Used: All County: N

Grid(s): 0137

<b>PART II Crimes</b>	<b>Total Crimes</b>
<b>130B - SIMPLE ASSAULT</b>	<b>8</b>
<b>350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF</b>	<b>1</b>
<b>260A - FRAUD CON/SWINDLE/FALSE PRET.</b>	<b>3</b>
<b>260B - FRAUD CREDIT CARD/ATM</b>	<b>1</b>
<b>260D - IMPERSONATION</b>	<b>1</b>

**Grand Total: 64**

Detail Filter: OI.Incident From Date Time >= "2002-01-01" and OI.Incident From Date Time < "2003-01-01" and OI.Offense.Ucr Code in ( '090A', '1200', '130A', '130D', '2200', '230A', '230B', '230C', '230D', '230E', '230F', '230G', '2400', '090C', '130B', '130E', '350A', '350B', '5100', '2700', '260A', '260B', '260D', '260E', '260F', '1000', '2000', '110A', '110B', '110C' ) and OI.Aoa Agency Code = '000' and OI.Clearance Type Description <> 'UNFOUNDED' and OI.Report Written YN = 'Y' and ( All County = 'Y' or All County = 'N' and OI.Grid in ( "0137" ) ) and OI.Reporting\_Agency\_Code = "030"



Miami-Dade Police Department

# MIAMI-DADE POLICE DEPARTMENT

Part I and Part II Crimes w/o AC

Reporting Agency: MDPD

From 1/1/03 Thru 1/1/04

YEAR: 2003

Crime Information Warehouse

Prompt Variable Used: All County: N

Grid(s): 0137

<b>PART I Crimes</b>	<b>Total Crimes</b>
1200 - ROBBERY	1
130A - AGGRAVATED ASSAULT	7
2200 - BURGLARY	16
230F - SHOPLIFTING FROM A MOTOR VEHICLE	6
230G - SHOPLIFTING ALL OTHERS	5
2400 - MOTOR VEHICLE THEFT	5



Miami-Dade Police Department

# MIAMI-DADE POLICE DEPARTMENT

Part I and Part II Crimes w/o AC

Reporting Agency: MDPD

From 1/1/03 Thru 1/1/04

YEAR: 2003

Crime Information Warehouse

Prompt Variable Used: All County: N

Grid(s): 0137

<b>PART II Crimes</b>	<b>Total Crimes</b>
<b>2000 - ARSON</b>	<b>1</b>
<b>130B - SIMPLE ASSAULT</b>	<b>10</b>
<b>350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF</b>	<b>2</b>
<b>260B - FRAUD CREDIT CARD/ATM</b>	<b>2</b>

**Grand Total: 55**

Detail Filter: OI.Incident From Date Time >= "2003-01-01" and OI.Incident From Date Time < "2004-01-01" and OI.Offense.Ucr Code in ( '090A', '1200', '130A', '130D', '2200', '230A', '230B', '230C', '230D', '230E', '230F', '230G', '2400', '090C', '130B', '130E', '350A', '350B', '5100', '2700', '260A', '260B', '260D', '260E', '260F', '1000', '2000', '110A', '110B', '110C' ) and OI.Aoa Agency Code = '000' and OI.Clearance Type Description <> 'UNFOUNDED' and OI.Report Written YN = 'Y' and ( All County = 'Y' or All County = 'N' and OI.Grid in ( "0137" ) ) and OI.Reporting\_Agency\_Code = "030"

# Memorandum



**Date:** January 18, 2005

**To:** Diane O'Quinn Williams, Director  
Department of Planning and Zoning

**From:** Roosevelt Bradley, Director  
Miami-Dade Transit

A handwritten signature in black ink, appearing to read "Roosevelt Bradley", written over the printed name in the "From:" field.

**Subject:** FY05 Blanket Concurrency Approval for Transit

This memo serves as a blanket authorization for your Department to continue to review and approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85, and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your department's Research Division, and a review of the Metrobus/Metrorail service area, we are able to re-authorize your department to review and approve concurrency applications since it appears that all areas of Miami-Dade County meet or exceed the Level-of-Service Standards (LOS) for mass transit established in the above referenced County Rules and Regulations.

MDT continues with the development process for the North Corridor transit project along NW 27<sup>th</sup> Avenue from 62<sup>nd</sup> Street to the Broward County line. Please, ask your staff to continue to signal any application whose address is on NW 27<sup>th</sup> Avenue, between these two points, so that they may be reviewed by MDT staff.

This authorization is intended to continue the arrangement between our respective Departments, and is effective for the period October 1, 2004 to September 30, 2005, or until canceled by written notice from my office.

If your staff needs further information or assistance with mass transit concurrency matters, they may wish to contact Mario G. Garcia, Chief, System Planning Division, at 375-1193. Your continued cooperation on these important matters is greatly appreciated.

cc: George Navarrete  
Mario G. Garcia

**MEMORANDUM**

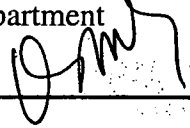
Helen  
B.

**TO:** Dianne O'Quinn-Williams, Director  
Department of Planning and Zoning

**DATE:** September 18, 2003

**FROM:** Vivian Donnell Rodriguez, Director  
Park and Recreation Department

**SUBJECT:** Concurrency Approval

18  


This memorandum updates the blanket concurrency approval memo of August 6, 2002. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until September 30, 2004. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

VDR: WHG:BF:RK

cc: Helen Brown, Metropolitan Planning, DP&Z  
W. Howard Gregg, Asst. Director for Planning & Development, PARD  
Barbara Falsey, Chief, Planning and Research Division, PARD





# MEMORANDUM

*Original to Helen Brown  
cy to Al Jones*

107.07-17A METRO-DADE/GSA-MAT. MGT.

TO: Diane O'Quinn Williams  
Director  
Department of Planning and Zoning

DATE: September 12, 2003  
SUBJECT: Solid Waste Disposal  
Concurrency Determination

FROM: Andrew Wilfork  
Director  
Department of Solid Waste Management

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed, under construction, subject to a binding executed contract for construction, or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of 15 years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements and long term contracts as well as anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS until 2015 or seven (7) years beyond the minimum standard. This determination is contingent upon the continued ability of the County and its disposal service contract providers to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to permit development orders to be issued. This determination shall remain in effect for a period of three (3) fiscal years (ending September 30, 2006), at which time an updated determination will be issued. If, however, a significant event occurs which substantially alters these projections, the Department will issue an updated determination.

## Attachment

cc: Pedro G. Hernandez, P.E., Assistant County Manager  
Victoria Garland, Acting Deputy Director, DSWM  
Vicente Castro, Assistant Director for Technical Services, DSWM  
Paul J. Mauriello, Acting Assistant Director for Disposal Operations, DSWM  
Charles W. Parkinson, Jr., Acting Assistant Director for Administration, DSWM

RECEIVED  
SEP 18 2003

ZONING SERVICES DIVISION, DADE COUNTY  
DEPT. OF PLANNING & ZONING

BY \_\_\_\_\_



## MEMORANDUM

07-07-17A MIAMI-DADE COUNTY GOVT

TO: Guillermo E. Olmedillo, Director  
Building & Zoning Department

FROM: Earl L. Carlton, Captain  
Fire Engineering & Water Supply Bureau

DATE: May 3rd, 1999

SUBJECT: Concurrency  
Approval

Subject to compliance with Article XIV a. "Water Supply for Fire Suppression" of the Miami Dade County Code, blanket approval for "Initial Development Orders" for any proposed use is hereby granted until further notice.

A subsequent review to assess compliance with Miami Dade County Fire Flow Standards addressed under the concurrency requirements, as stated in Chapter 163, part 2. Florida Statute, will be necessary during the building permit process.

When zoning use variances are permitted the fire flow standards for the zone permitting the use will be applied.

ELC/ser

**Department of Solid Waste Management (DSWM)**  
**Solid Waste Facility Capacity Analysis**  
**Fiscal Year 2002-2003**

Year	Waste Projections (tons)	RESOURCES RECOVERY FACILITY					RTI FACILITY				LANDFILLS			WHEELABRATOR (contract had ended on 12/31/02)	Total
		On-site Gross Tonnage	Unders to South Dade	Shredded Tires to South Dade	Ash to Ashfill	Net Tonnage	RTI Gross Tonnage	RTI Rejects to North Dade and Medley Landfill	Okeelanta Ash to R.R. Ashfill	Tonnage	SOUTH DADE Garbage	NORTH DADE Trash	WMI Garbage & Trash		
					[1]	[2]			[3]	[4]	[5]	[6]	[7]	[8]	[1]-[8]
2003 *	1,837,000	936,000	196,000	17,000	119,000	604,000	270,000	54,000	27,000	189,000	410,000	333,000	146,000	8,000	1,836,000
2004 **	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	273,500	395,000	100,000	0	1,715,500
2005	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	273,500	395,000	100,000	0	1,715,500
2006 ***	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	263,500	395,000	100,000	0	1,705,500
2007	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2008	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2009	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2010	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2011	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500

RESOURCES RECOVERY		GARBAGE	TRASH	TIRES	TOTAL
* TOTAL @ 1.84M		853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)
			270,000		270,000 (RTI)
** TOTAL @ 1.72M		853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)
			270,000		270,000 (RTI)
*** TOTAL @ 1.71M		853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)
			270,000		270,000 (RTI)
TOTAL WASTE STREAM PERCENTAGES @ 1.84 MILLIONS TONS					
GARBAGE 54.3%		997,000			
TRASH 44.4%		816,000			
SPECIAL (includes Tires) 1.3%		24,000			
TOTAL		1,837,000			

**REMAINING CAPACITY BY FACILITY AT END OF FISCAL YEAR**

Year	Ashfill Capacity *	South Dade Capacity **	North Dade Capacity ***	WMI **** Disposed
Base Capacity	207,000	4,352,000	3,130,000	146,000
2003	61,000	3,942,000	2,797,000	100,000
2004	0	3,668,500	2,402,000	188,000
2005	0	3,395,000	2,007,000	249,000
2006	0	3,131,500	1,612,000	249,000
2007	0	2,868,000	1,217,000	249,000
2008	0	2,604,500	822,000	249,000
2009	0	2,341,000	427,000	249,000
2010	0	2,077,500	32,000	249,000
2011	0	1,702,000	0	500,000
2012	0	1,294,500	0	500,000
2013	0	887,000	0	500,000
2014	0	479,500	0	500,000
2015	0	72,000	0	500,000
2016	0	0	0	
2017	0	0	0	
2018	0	0	0	
Total Remaining Years	0	12	6	

\* Ashfill capacity includes cells 17 and 18; cells 19-20 have not been constructed. When cells 17 and 18 are depleted Resources Recovery Plant Ash and Okeelanta Ash go to South Dade Landfill and Medley Landfill (WMI).

\*\* South Dade includes cells 3 and 4; cell 5 has not been constructed. Assumes all unders consumes capacity whether or not it is used as cover.

\*\*\* North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted trash goes WMI and South Dade Landfill.

\*\*\*\* Maximum Contractual Tonnage per year to WMI is 500,000 tons; Minimum Contractual Tonnage per year is 100,000 tons. WMI disposal contract ends September 30, 2015. After WMI disposal contract ends tonnage goes to South Dade Landfill.

All capacity figures are derived from the Capacity of Miami-Dade County Landfills report prepared by the Brown and Caldwell, Dated October 2002.

## 2003 PARK LOCAL OPEN SPACE BASED ON BENEFIT DISTRICTS - UNINCORPORATED AREA

PBD	2000 Population	Accrued Population	Total Population	Need @ 2.75 Acres Per 1000 (Acres)	Existing Local Open Space			Total Local Open Space	Surplus (Deficit) Acres	Level of Service
					Park Acres	School field Acres	1/2 Private Acres			
1	476,880	25,585	502,465	1,381.77	1,198.25	702.34	85.32	1,985.91	604.14	1.437
2	563,033	19,245	582,278	1,601.24	1,564.11	508.33	139.79	2,212.23	610.99	1.381
3	141,699	24,607	166,306	457.33	578.93	177.20	6.90	763.03	305.70	1.668
TOTAL	1,181,612	69,437	1,251,049	3,440.34	3,341.29	1,387.87	232.01	4,961.17	1,520.83	1.495



## MEMORANDUM

**TO:** Diane O'Quinn Williams  
Director  
Department of Planning and Zoning

**FROM:** Roosevelt Bradley, Director  
Miami Dade Transit

**DATE:** October 14, 2003

**SUBJECT:** FY04 Blanket  
Concurrency Approval  
for Transit

This memo serves as a blanket authorization for your Department to continue to review and approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85, and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your Department's Research Division, and a review of the Metrobus/Metrorail service area, we are able to re-authorize your Department to review and approve concurrency applications since it appears that all areas of Miami-Dade County meet or exceed the level-of-service standards (LOS) for mass transit established in the above referenced County rules and regulations.

This authorization is intended to continue the arrangement between our respective departments, and is effective for the period October 1, 2003 to September 30, 2004, or until canceled by written notice from my office.

If your staff needs further information or assistance with mass transit concurrency matters, they may wish to contact Mario G. Garcia, Chief, System Planning Division, at 375-1193. Your continued cooperation on these important matters is greatly appreciated.

**CC:** Aurelio Rodriguez, P.E.  
Mario G. Garcia

**RECEIVED**  
OCT 21 2003

MIAMI-DADE COUNTY  
DIRECTOR'S OFFICE  
DEPT. OF PLANNING & ZONING

PROCESSED  
OCT 17 2003  
MIAMI-DADE COUNTY  
FLORIDA

**MEMORANDUM**

Helen  
B.

**TO:** Dianne O'Quinn-Williams, Director  
Department of Planning and Zoning

**DATE:** September 18, 2003

**FROM:** Vivian Donnell Rodriguez, Director  
Park and Recreation Department

**SUBJECT:** Concurrency Approval

18

*[Handwritten signature]*

This memorandum updates the blanket concurrency approval memo of August 6, 2002. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until September 30, 2004. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

VDR: WHG:BF:RK

cc: Helen Brown, Metropolitan Planning, DP&Z  
W. Howard Gregg, Asst. Director for Planning & Development, PARD  
Barbara Falsey, Chief, Planning and Research Division, PARD



## MEMORANDUM

*original to Helen Brown  
cy to Al Jones*

TO: Diane O'Quinn Williams  
Director  
Department of Planning and Zoning

DATE: September 12, 2003  
SUBJECT: Solid Waste Disposal  
Concurrency Determination

FROM: Andrew Wilfork  
Director  
Department of Solid Waste Management

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed, under construction, subject to a binding executed contract for construction, or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of 15 years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements and long term contracts as well as anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS until 2015 or seven (7) years beyond the minimum standard. This determination is contingent upon the continued ability of the County and its disposal service contract providers to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to permit development orders to be issued. This determination shall remain in effect for a period of three (3) fiscal years (ending September 30, 2006), at which time an updated determination will be issued. If, however, a significant event occurs which substantially alters these projections, the Department will issue an updated determination.

Attachment

cc: Pedro G. Hernandez, P.E., Assistant County Manager  
Victoria Garland, Acting Deputy Director, DSWM  
Vicente Castro, Assistant Director for Technical Services, DSWM  
Paul J. Mauriello, Acting Assistant Director for Disposal Operations, DSWM  
Charles W. Parkinson, Jr., Acting Assistant Director for Administration, DSWM

RECEIVED  
SEP 18 2003

ZONING SERVICES DIVISION, DADE COUNTY  
DEPT. OF PLANNING & ZONING

BY \_\_\_\_\_



# MEMORANDUM

07-17A (MTC) DAD GSA MAY 1997

TO: Guillermo E. Olmedillo, Director  
Building & Zoning Department

DATE: May 3rd, 1999

SUBJECT: Concurrency  
Approval

FROM: Earl L. Carlton, Captain  
Fire Engineering & Water Supply Bureau

Subject to compliance with Article XIV a: "Water Supply for Fire Suppression" of the Miami Dade County Code, blanket approval for "Initial Development Orders" for any proposed use is hereby granted until further notice.

A subsequent review to assess compliance with Miami Dade County Fire Flow Standards addressed under the concurrency requirements, as stated in Chapter 163, part 2, Florida Statute, will be necessary during the building permit process.

When zoning use variances are permitted the fire flow standards for the zone permitting the use will be applied.

ELC/ser



**Department of Solid Waste Management (DSWM)**  
**Solid Waste Facility Capacity Analysis**  
**Fiscal Year 2002-2003**

Year	Waste Projections (tons)	RESOURCES RECOVERY FACILITY					RTI FACILITY				LANDFILLS			WHEELABRATOR (contract had ended on 12/31/02)	Total
		On-site Gross Tonnage	Unders to South Dade	Shredded Tires to South Dade	Ash to Ashfill	Net Tonnage	RTI Gross Tonnage	RTI Rejects to North Dade and Medley Landfill	Okeelanta Ash to R.R. Ashfill	Tonnage	SOUTH DADE Garbage	NORTH DADE Trash	WMI Garbage & Trash		
					[1]	[2]			[3]	[4]	[5]	[6]	[7]	[8]	[1]-[8]
2003 *	1,837,000	938,000	198,000	17,000	119,000	604,000	270,000	54,000	27,000	189,000	410,000	333,000	148,000	8,000	1,838,000
2004 **	1,715,500	938,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	273,500	395,000	100,000	0	1,715,500
2005	1,715,500	938,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	273,500	395,000	100,000	0	1,715,500
2006 ***	1,705,500	938,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	283,500	395,000	100,000	0	1,705,500
2007	1,705,500	938,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	283,500	395,000	100,000	0	1,705,500
2008	1,705,500	938,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	283,500	395,000	100,000	0	1,705,500
2009	1,705,500	938,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	283,500	395,000	100,000	0	1,705,500
2010	1,705,500	938,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	283,500	395,000	100,000	0	1,705,500
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3	141,699	24,607	166,306	457.33	578.93	177.20	6.90	763.03	305.70	1.668
=====										
TOT:	1,181,612	69,437	1,251,049	3,440.34	3,341.29	1,387.87	232.01	4,961.17	1,520.83	1.495